

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 20, 2005
Tuesday, 9:97 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Doug Lindsey, Christian Science, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the December 13, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

Proclamations

There were no proclamations to be made.

Mayor Mayans

Mayor Mayans stated that this is the last meeting of the Wichita City Council for 2005 and that he would like to wish his fellow Council Members; our City employees and the citizens of Wichita a Merry Christmas and a Happy New Year.

As the year comes to an end, we are grateful for the men and women of our armed forces who are working to defend our freedom, secure our homeland and advance peace and safety around the world.

2005 has been a time of achievement, progress and renewed hope for the citizens of Wichita. We will work together to build on our success and embrace the challenges and opportunities that lie ahead.

Merry Christmas, may God bless you and may God continue to bless our City and our nation.

PUBLIC AGENDA

C. Kellenberger

Transportation Enhancement Proposal for the east 4 miles of the 17th Street Rail-Banked Corridor – Cecile Kellenbarger, Prairie Travelers, Inc. Treasurer.

Mr. Kellenbarger stated that she is on the Board of the Prairie Travelers and that they are requesting a resolution and that they have put together a T and E Funding Proposal that has been turned into the State through KDOT. Stated that this is a 20/80 matching proposal, with the City paying 20%, which would be approximately \$76,000. Stated that they have talked to many of the Neighborhood Association Groups in the Kenmar and Fairmont areas and that they are very supportive of this event. Stated that it would be a walking and biking trail. Stated that this was also sent through the MAPD and approved. Stated that there were 13 proposals sent to the transportation enhancement through Sedgwick County and that four of the proposals do not have a resolution and that theirs is one of them that does not. Stated that this money is not needed until 2008, so the funding would not have to be appropriated until then but they need a resolution in order for this to be approved by the State.

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Jerry Smith

Plan for acquiring funds to help the homeless – Jerry Smith.

Mr. Smith was not present.

Om Chauham

Concerns with the Environmental Code regarding Junk Cars, (Section 7.40.046)-Om Chauhan.

Mr. Chauham stated that he resides at 31 Laura Drive and has concerns regarding the City Code, Section 7.40.046, whenever the Health Officer determines that a nuisance as defined in Section 7.40.045, exists in the City of Wichita, a written notice shall be served upon the occupant of the property where the nuisance exists or when there is no occupant upon the owner of the property. Stated that this language is clear and explicit, however the Health Department's staff, have interpreted the Code to allow them, regardless of whether or not the property is occupied, to serve notice upon the property owner. Stated that it is important to understand that in the cases of where tenants and rental property, the landlords have no authority to remove the vehicles owned by the tenant within 10 days, which is allowed by the Health Department. Stated that the only legal recourse left to the landlord is to give the tenant 14 days to correct the problem and if the tenant fails to correct the problem, the landlord, then must give a 30 days eviction notice to vacate the property. Stated that if the tenant still chooses not to move or correct the problem, the landlord then files for eviction in District Court, which this process takes approximately another four weeks. Stated that after evicting the tenant the landlord must then hold the tenant's abandoned property for 30 days before legally disposing of it. Stated that under the current City Code, interpreted by the Health Department, it is impossible for landlords to comply with the Health Department's 10-day removal citation if the property is occupied. Also, if the property is occupied, the tenant holds possession of the property and has a clear legal recourse against the landlord if the landlord interferes with the tenant's vehicles. Stated that in the past the Health Department has towed away vehicles at no expense to the owners of the property. Stated that the tow companies in a united position have told the Health Department that they will charge the Health Department \$65.00 to tow away a junk car from private property. The Health Department in turn, passes this cost to the landlord. Stated that there is no competitive bidding for the annual contract and each company gets its fair share of the tows on a rotation basis. Stated that without competitive bidding, the towing companies are dictating the terms and the costs to the City. Stated that in addition to the \$65.00 tow fee, they are charging \$25.00 per day for storage. Stated that the Police Department tows approximately 1,000 vehicles per month and is also done by the same towing company on a rotation basis but at no charge to the Police Department. Stated that the vehicle owners are charged for the tow and the storage and the Police Department has comprehensive policies on how to deal with the vehicles that are towed. Stated that the Health Department has a policy, which is inactively applied. Stated that the Health Department needs to update its policy to include specific provisions that are included in the Police Department's policy and to accurately interpret the code under which it operates. Stated that his recommendations to the Council are to combine all tows under the Police Department; negotiate better storage rates based on volume and review and correct the Health Department's interpretation of the City Code to hold the vehicle owners responsible rather than the owners of the property where the vehicles are parked when they are different people.

Gary Rebenstorf

Director of Law explained that there are two separate laws, the Landlord/tenant Law applies to the landlords and the City has the authority under our police power to hold landlords responsible under the ordinance and language that we have in the current ordinances. Stated that we do not have to have our ordinance "gel" with the landlord/tenant law.

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Monty Shaw

Video Cameras in the Police Vehicles and the impact and benefits that this technology will have on the City of Wichita – Monty Shaw, Sunflower Community Action.

Mr. Shaw stated that on December 8th the Sunflower Community Action held a meeting to discuss the problem of police harassment and misconduct in our community. Stated that several testimonies were given in regards to police action that were detrimental. Stated that they discussed the action of putting in video cameras in all police cars and that is what they want to accomplish. Stated that the impact of video cameras in police cars is well documented in the media as far as how they help. Stated that several Police Departments have attested to the many benefits of these cameras. Stated that they significantly reduce the number of false allocations made against officers. Stated that the cameras help assist the Police Department as acting as a tool for accountability and training for the officers. Stated that they are currently in talks with camera and data base companies who have told them that they would like to donate some of their resources to the City of Wichita to help fund a pilot program or implementation of these cameras in the vehicles. Stated that they are asking for the City's help with doing this and encouraged each Council Member to consider this issue as a concern in their own district and that this is not just a northeast problem but also a citywide problem.

Council Member Brewer Council Member Brewer stated that as it is the cost and did tell the Sunflower Community Action group that they would look into it and find out all of the information regarding what was necessary and what was going to be required to see if this would be a feasible thing to do. Stated that from that stand point they had to put together a task force and go out and do research and find out what is available and what products are out there. Stated that after doing this they found out that it is going to take a million dollars to be able to do this and from that standpoint, law enforcement had to sit down and figure out what they can and cannot afford to do. Stated that we still have cars that we need to purchase and radios that we are salvaging equipment from etc. Stated that he is still open to looking at this issue and asked them to try to come up with some type of federal grant. Stated that research is still being done as to what the needs are because there is an installation cost after purchasing and a cost needed to maintain them. Stated that we have had cameras in cars over the past few years and currently have a camera in the B.A.T. van but that the cameras in the cars had to be removed because we could not afford to maintain and upkeep them. Stated that we will continue working on this issue.

CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 32 be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda be approved as presented excluding item 32. Motion
--carried carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 19, 2005.

Bids were opened December 16, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Greenwich Road Improvement from 13th to 27th Street North (87N-0369-01/472-84274/706929/205395) Traffic to be carried thru construction. (District II)

Cornejo & Sons Construction - \$5,295,810.09

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Oliver Street Bridge over Gypsum Creek: Rehabilitate existing bridge and rebuild sidewalks on both sides. Install gabion wall on south side and riprap on north side of Gypsum Creek. (87N-0247-01/472-84184/715703/245119) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Dondlinger & Sons - \$667,380.89

Lateral 314, Four Mile Creek Sewer to serve Equestrian Estates Addition - south of Harry, east of 127th St. East (468-83318/744155/480843) Does not effect existing traffic. (District II)

Wilks Underground - \$121,990.75

Parkdale from the south line of Lot 20, Block 1, to the south right-of-way line of 29th Street North; Parkdale Courts (4) to and including the cul-de-sacs; Sidewalk to be constructed on the east side of Parkdale to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (472-84103/765966/490081) Does not effect existing traffic. (District V)

APAC – Kansas Inc. - \$310,903.23

Fawn Grove, from the west line of Lot 65, Block 2, to the east line of Lot 30, Block 2; Smithmoor/Smithmoor Circle from the south line of Fawn Grove at Sunset Lakes Addition to and including the cul-de-sac (Lots 30 through 47, Block 2); Chateau Circle, from the north line of Fawn Grove to and including the cul-de-sac (Lot 48 through 65, Block 2) to serve Fawn Grove at Sunset Lakes Addition - south of Kellogg, west of Greenwich. (472-84285/765965/490080) Does not effect existing traffic. (District II)

Cornejo & Sons Construction - \$172,045.10

Stafford, from the north line of Pawnee to the east property line of Lot 9, Block 6; Stoneybrook from the north line of Stafford to a point approximately 100 feet north; Stafford Court, from the north line of Stafford to and including the cul-de-sac (Lots 1 through 7, Block 7); Stafford Court, from the east line of Stafford to and including the cul-de-sac (Lots 13 through 24, Block 6) to serve Brentwood South Addition to serve Brentwood South Addition - east of Webb, north of Pawnee. (472-84270/765957/490070) Does not effect existing traffic. (District II)

Cornejo & Sons Construction - \$222,963.52

Asphalt Mat Paving Improvements on 37th Street North from Maize Road to a point 1,300 feet west of Maize Road to serve Prairie Pointe Addition - along 37th Street North, west of Maize. (472-84044/765959/490073) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Kansas Paving Company - \$82,459.00

2005 Contract Maintenance Concrete Repairs Drainage Hotspots, Phase 2 - north of MacArthur, west of 119th Street West. (472-84330/131532/) Traffic to be maintained during construction using flagpersons and barricades. (District I,III,IV,VI)

Para Construction - \$162,509.30 (Engineers Estimate)

2006 Utility Cut Repair of Streets, Driveways and Sidewalks - north of 71st Street South, east of 167th Street West. (472-84340/132035/620447/_/665567) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI)

Cornejo & Sons Construction - \$1,717,800.00 (Engineers Estimate)

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Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER AND SEWER DEPARTMENT/PRODUCTION AND PUMPING DIVISION: Anhydrous Ammonia (Bulk Delivery).

Airgas Specialty Products Inc. - \$40,000.00* (Group 1 Total Net Bid)

**Estimate – Contract approved on unit cost basis; refer to attachments.

WATER AND SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION AND PUBLIC WORKS DEPARTMENT/STORM WATER MAINTENANCE DIVISION: Sewer Cleaner & Vac, TV Inspection.

Utility Maintenance Contractors LLC - \$244,255.00 (Group 1 Total Base Bid)

<\$ -70,000.00>Deduct (Group 1 Option 1)

\$ 2,000.00 (Group 1 Option 2)

\$ 220.00 (Group 1 Option 3)

\$ 2,800.00 (Group 1 Option 4)

\$ 1,100.00 (Group 1 Option 5)

\$ 6,200.00 (Group 1 Option 7)

\$ 800.00 (Group 1 Option 8)

\$ 500.00 (Group 1 Option 9)

\$ 4,950.00 (Group 1 Option 10)

Key Equipment & Supply Co. - \$174,995.00 (Group 2 Total Base Bid)

\$ 1.00 (Group 2 Option 1)

\$ 3,288.00 (Group 2 Option 2)

\$ 780.00 (Group 2 Option 3)

\$ 728.00 (Group 2 Option 4)

< \$ -45,000.00>Deduct (Group 2 Option 5)

Utility Maintenance Contractors LLC \$ 96,250.00 (Group 3 Total Base Bid)

\$ 295.00 (Group 3 Option 1)

\$ 13,000.00 (Group 3 Option 2)

\$ 5,668.00 (Group 3 Option 3)

\$ 805.00 (Group 3 Option 4)

<\$ -9,000.00 Deduct> (Group 3 Option 5)

\$ 94,000.00 (Group 4 Total Net Bid)

\$ 295.00 (Group 4 Option 5)

\$ 13,000.00 (Group 4 Option 6)

\$ 5,668.00 (Group 4 Option 7)

\$ 805.00 (Group 4 Option 8)

No Charge (Group 4 Option 9)

<\$ -9,000.00 Deduct> (Group 4 Option 10)

\$ 4,680.00 (Group 4 Option 11)

\$ 89,100.00 (Group 5 Total Net Bid)

\$.00 (Group 5 Option 3)

\$ 13,000.00 (Group 5 Option 4)

\$ 5,668.00 (Group 5 Option 5)

\$ 1,655.00 (Group 5 Option 6)

No Charge (Group 5 Option 7)

<\$- 9,000.00 Deduct> (Group 5 Option 8)

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VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Automobiles, Cargo Vans & Pickup Trucks.

Rusty Eck Ford Inc. -\$196,335.00* (Group 1 Total Net Bid)
\$ 59,490.00* (Group 2 Total Net Bid)
No Charge (Group 2 Option 1)
\$ 980.00* (Group 2 Option 2)
Don Hattan Chevrolet Inc. -\$ 96,495.00* (Group 3 Total Net Bid)
\$ 1,400.00* (Group 3 Option 1)
\$ 96,700.00* (Group 4 Total Net Bid)
\$ 92,185.00* (Group 5 Total Net Bid)
\$ 95,825.00* (Group 6 Total Net Bid)
\$ 2,975.00* (Group 6 Option 1)
\$ 4,875.00* (Group 6 Option 2)
\$ 91,500.00* (Group 7 Total Net Bid)
\$118,500.00* (Group 8 Total Net Bid)
No Charge (Group 8 Option 1)
\$ 4,875.00* (Group 8 Option 2)
\$ 2,975.00* (Group 8 Option 3)
\$110,820.00* (Group 9 Total Net Bid)
\$ 18,210.00* (Group 9 Option 1)
Rusty Eck Ford Inc. - \$155,915.00* (Group 10 Total Net Bid)
\$178,115.00* (Group 11 Total Net Bid)
\$224,935.00* (Group 12 Total Net Bid)
Don Hattan Chevrolet Inc. - \$203,865.00* (Group 13 Total Net Bid)
\$206,775.00* (Group 14 Total Net Bid)
\$ 2,610.00* (Group 14 Option 1)
\$ 92,380.00* (Group 15 Total Net Bid)
\$ 11,270.00* (Group 15 Option 1)
\$ 78,500.00* (Group 16 Total Net Bid)
No Charge (Group 16 Option 1)
\$ 1,020.00* (Group 16 Option 2)
\$ 18,445.00* (Group 16 Option 3)

*Estimate – Contract approved on unit cost basis; refer to attachments.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Intelligent Reporting Fire Detection System.

Southwestern Electrical Co. Inc. - \$18,004.00 (Group 1 Total Net Bid)

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: Cabinet Storage & Locker Room Upgrade.

Van Asdale Construction -\$ 31,700.00 (Group 1 Total Net Bid)
\$ 8,200.00 (Group 2 Total Net Bid)

POLICE DEPARTMENT/FIELD SERVICES DIVISION: Modify Existing E-Justice System.

Northrop Grumman Commercial Systems* \$ 60,000.00
*Purchases Utilizing Sole Source of Supply, Ordinance No. 38-856 Section 2 (b)

WATER & SEWER DEPARTMENT/PRODUCTION AND PUMPING DIVISION: BioSentry System.

JMAR Technologies, Inc.* \$ 86,030.00
*Purchases Utilizing Sole Source of Supply, Ordinance No. 35-856 Section 2 (b)

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PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Powered Litter Vacuum.

Sellers Tractor Co. Inc. - \$ 37,495.00 (Group 1 Total Net Bid)
\$ 1,862.50 (Group 1 Option 1)

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: GVWR Knuckle Boom Loader.

Kansas Truck Center - \$146,411.00 (Group 1 Total Base Bid)
\$ 790.00 (Group 1 Option 1)
<\$ -11,000.00 Deduct> (Group 1 Option 2)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Street Lights.

Starbeam Supply Company - \$151,443.75 (Group 1 Total Net Bid)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Mark Ryan dba Two Brothers BBQ	Ryan Boys West Inc.*	8406 West Central
Cheryl L. Gehlen	Annex Lounge*	6805 East Harry
B.J. Berning	Pizza Villa Restaurant*	2342 South Maize Road
Haydee Raymundo	Tacos Raymundo*	1716 West 21st Street
Guadalupe Cordova	Chico's Restaurant*	3949 West Douglas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- Lateral 42, District T, Sanitary Sewer #12 to serve 21st Street Kids and Family Empowerment Addition - north of 21st Street North, east of Hydraulic. (468-84115/622099/675130) Does not affect existing traffic. (District I) - \$65,000
- Water Distribution System to serve 21st Street Kids and Family Empowerment Addition - north of 21st Street North, east of Hydraulic. (448-90143/636152/ 775546) Does not affect existing traffic. (District I) - \$115,000
- The cost of construction of Lateral 11, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (District V) (468-83948/744106/480-794 - Total Estimated Cost \$9,450
- The cost of construction of Lateral 1, Main 10, Northwest Interceptor Sewer to serve Northwest YMCA Addition (north of 21st Street North, west of 135th Street West). (District V) (468-83957/744111/480-799 - Total Estimated Cost \$93,600

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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STMNT OF COSTS

STATEMENTS OF COST:

Water

- a) Improving Water Distribution System to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$54,518.28 (plus idle fund interest - \$692.72, plus temporary note interest - \$689.00). Financing to be issued at this time - \$55,900.00. (735255/448-89793/470-926).
- b) Improving Water Distribution System to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West). Total Cost - \$79,273.59 (plus idle fund interest - \$444.97, plus temporary note interest - \$1,881.44). Financing to be issued at this time - \$81,600.00. (735212/448-89828/470-882).
- c) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$45,612.46 (plus idle fund interest - \$295.28, plus temporary note interest - \$1,092.26). Financing to be issued at this time - \$47,000.00. (735226/448-89838/470-896).
- d) Improving Water Distribution System Phase 3 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$11,203.30 (plus idle fund interest - \$296.70, plus temporary note interest - \$0). Financing to be issued at this time - \$11,500.00. (735249/448-89868/470-920).
- e) Improving Water Distribution System Phase 4 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$24,439.66 (plus idle fund interest - \$261.34, plus temporary note interest - \$299.00). Financing to be issued at this time - \$25,000.00. (735250/448-89869/470-921).
- f) Improving Water Distribution System Phase 5 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$23,452.48 (plus idle fund interest - \$261.52, plus temporary note interest - \$286.00). Financing to be issued at this time - \$24,000.00. (735251/448-89870/470-922).
- g) Improving Water Distribution System to serve Avalon Park 2nd Addition (north of 37th Street North, west of Tyler). Total Cost - \$51,502.34 (plus idle fund interest - \$80.64, plus temporary note interest - \$1,317.02). Financing to be issued at this time - \$52,900.00. (735203/448-89908/470-873).
- h) Improving Water Distribution System to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$41,329.19 (less idle fund interest - \$129.53, plus temporary note interest - \$1,200.34). Financing to be issued at this time - \$42,400.00. (735237/448-89911/470-908).
- i) Improving Water Distribution System to serve Sand Plum Addition (south of 45th Street North, west of Webb Road). Total Cost - \$32,900.78 (plus idle fund interest - \$182.70, plus temporary note interest - \$816.52). Financing to be issued at this time - \$33,900.00. (735209/448-89958/470-879).
- j) Improving Water Distribution System to serve Savanna at Castle Rock Ranch 10th Addition (north of 13th Street North, west of 143rd Street East). Total Cost - \$35,191.03 (plus idle fund interest - \$212.77, plus temporary note interest - \$1,096.20). Financing to be issued at this time - \$36,500.00. (735208/448-89985/470-878).
- k) Improving Water Distribution System to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$59,923.97 (plus idle fund interest - \$448.27, plus temporary note interest - \$1,527.76). Financing to be issued at this time - \$61,900.00. (735223/448-89992/470-893).

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- l) Improving Water Distribution System to serve Hawthorne 2nd and 3rd Additions (north of 21st Street North, east of 127th Street East). Total Cost - \$56,561.81 (plus idle fund interest - \$422.65, plus temporary note interest - \$1,415.54). Financing to be issued at this time - \$58,400.00. (735220/448-89993/470-890).
- m) Improving Water Distribution System to serve Shoal Creek 3rd Addition (south of Central, west of 143rd Street East). Total Cost - \$23,035.16 (plus idle fund interest - \$152.10, plus temporary note interest - \$512.74). Financing to be issued at this time - \$23,700.00. (735246/448-89998/470-917).
- n) Improving Water Distribution System to serve Regency Lakes Commercial 2nd Addition (north of 21st Street North, west of Greenwich). Total Cost - \$73,545.31 (plus idle fund interest - \$458.15, plus temporary note interest - \$1,896.54). Financing to be issued at this time - \$75,900.00. (735225/448-90006/470-895).
- o) Improving Water Distribution System to serve Woodlawn North Pointe Addition (south of 29th Street North, east of Woodlawn). Total Cost - \$27,807.31 (plus idle fund interest - \$81.51, plus temporary note interest - \$711.18). Financing to be issued at this time - \$28,600.00. (735222/448-90012/470-892).
- p) Improving Water Distribution System to serve Sawmill Creek Addition (north of 45th Street North, east of Rock Road). Total Cost - \$78,601.27 (plus idle fund interest - \$110.17, plus temporary note interest - \$1,988.56). Financing to be issued at this time - \$80,700.00. (735234/448-90022/470-905).
- q) Improving Water Distribution System Phase II B to serve Auburn Hills 15th Addition north of Kellogg, west of 135th Street West). Total Cost - \$39,362.12 (less idle fund interest - \$316.50, plus temporary note interest - \$1,254.38). Financing to be issued at this time - \$40,300.00. (735241/448-90035/470-912).
- r) Improving Water Distribution System to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$8,384.67 (plus idle fund interest - \$215.33, plus temporary note interest - \$0). Financing to be issued at this time - \$8,600.00. (735238/448-90036/470-909).
- s) Improving Water Distribution System to serve The Waterfront Addition (north of 13th Street North, east of Webb). Total Cost - \$46,176.08 (plus idle fund interest - \$638.92, plus temporary note interest - \$585.00). Financing to be issued at this time - \$47,400.00. (735240/448-90037/470-911).
- t) Improving Water Distribution System to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize). Total Cost - \$26,995.05 (plus idle fund interest - \$266.95, plus temporary note interest - \$338.00). Financing to be issued at this time - \$27,600.00. (735261/448-90052/470-932).
- u) Improving Water Distribution System to serve Evergreen and New Market Additions (north of 21st Street North, west of Maize). Total Cost - \$85,079.35 (plus idle fund interest - \$287.85, plus temporary note interest - \$1,932.80). Financing to be issued at this time - \$87,300.00. (735242/448-90058/470-913).
- v) Improving Water Distribution System to serve part of Lot 6, Valley Acres Addition (north of 11th Street, west of St. Paul). Total Cost - \$4,716.91 (plus idle fund interest - \$183.09, plus temporary note interest - \$0). Financing to be issued at this time - \$4,900.00. (735248/448-90064/470-919).

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Sewer

- w) Constructing Lateral 2, Main 11, Sanitary Sewer No. 23 to serve Sawmill Creek Addition (north of 45th Street North, east of Rock Road). Total Cost - \$108,484.43 (plus idle fund interest - \$476.13, plus temporary note interest - \$2,739.44). Financing to be issued at this time - \$111,700.00. (744101/468-83171/480-789).
- x) Constructing Lateral 2, Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition (north of 37th Street South, east of Hoover). Total Cost - \$112,948.43 (plus idle fund interest - \$491.49, plus temporary note interest - \$3,760.08). Financing to be issued at this time - \$117,200.00. (744084/468-83431/480-772).
- y) Constructing Lateral 6, Main 5, Northwest Interceptor Sewer to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$201,864.16 (plus idle fund interest - \$1,173.42, plus temporary note interest - \$5,162.42). Financing to be issued at this time - \$208,200.00. (744082/468-83534/480-770).
- z) Constructing Lateral 8, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North between Maize and Tyler). Total Cost - \$61,939.74 (plus idle fund interest - \$386.68, plus temporary note interest - \$1,573.58). Financing to be issued at this time - \$63,900.00. (744095/468-83646/480-783).
- aa) Constructing Lateral 10, Main 19, Southwest Interceptor Sewer Phase 3 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$31,172.28 (plus idle fund interest - \$415.72, plus temporary note interest - \$312.00). Financing to be issued at this time - \$31,900.00. (744117/468-83690/480-805).
- bb) Constructing Lateral 11, Main 19, Southwest Interceptor Sewer Phase 4 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$63,645.89 (plus idle fund interest - \$904.11, plus temporary note interest - \$650.00). Financing to be issued at this time - \$65,200.00. (744118/468-83691/480-806).
- cc) Constructing Lateral 12, Main 19, Southwest Interceptor Sewer Phase 5 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$108,617.02 (plus idle fund interest - \$1,412.98, plus temporary note interest - \$1,170.00). Financing to be issued at this time - \$111,200.00. (744119/468-83692/480-807).
- dd) Constructing Lateral 16, Main 19, Southwest Interceptor Sewer to serve Avalon Park 2nd Addition (north of 37th Street North, west of Tyler). Total Cost - \$159,172.36 (plus idle fund interest - \$284.88, plus temporary note interest - \$4,042.76). Financing to be issued at this time - \$163,500.00. (744067/468-83748/480-755).
- ee) Constructing Lateral 10, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$135,970.72 (plus idle fund interest - \$338.42, plus temporary note interest - \$3,290.86). Financing to be issued at this time - \$139,600.00. (744105/468-83758/480-793).
- ff) Constructing Lateral 369, Four Mile Creek Sewer to serve Brentwood South 2nd Addition (north of Pawnee, east of Webb). Total Cost - \$107,946.45 (plus idle fund interest - \$555.57, plus temporary note interest - \$3,597.98). Financing to be issued at this time - \$112,100.00. (744057/468-83802/480-745).
- gg) Constructing Lateral 33, Main 1, Westlink Interceptor Sewer to serve Evergreen Place Addition (north of Maple, east of Tyler). Total Cost - \$87,982.54 (plus idle fund interest - \$612.18, plus temporary note interest - \$2,305.28). Financing to be issued at this time - \$90,900.00. (744061/468-83804/480-749).

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- hh) Constructing Lateral 34, Main 1, Westlink Interceptor Sewer to serve Westfield Acres Addition (south of Douglas, west of Tyler). Total Cost - \$28,522.17 (plus idle fund interest - \$413.83, plus temporary note interest - \$364.00). Financing to be issued at this time - \$29,300.00. (744076/468-83831/480-764).
- ii) Constructing Lateral 5, Main 13, Four Mile Creek Sewer to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$76,506.92 (plus idle fund interest - \$308.37, plus temporary note interest - \$2,684.71). Financing to be issued at this time - \$79,500.00. (744083/468-83870/480-771).
- jj) Constructing Lateral 6, Main 13, Four Mile Creek Sewer to serve Hawthorne 3rd Addition and Krug North Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$160,943.38 (plus idle fund interest - \$1,347.84, plus temporary note interest - \$4,108.78). Financing to be issued at this time - \$166,400.00. (744090/468-83871/480-778).
- kk) Constructing Lateral 6, Main 26, War Industries Sewer to serve Regency Lakes Commercial 2nd Addition (north of 21st Street North, west of Greenwich). Total Cost - \$46,883.93 (plus idle fund interest - \$304.45, plus temporary note interest - \$1,211.62). Financing to be issued at this time - \$48,400.00. (744094/468-83895/480-782).
- ll) Constructing Lateral 18, Main 19, Southwest Interceptor Sewer to serve Ridge Port 4th and 5th Additions (north of 29th Street North, east of Ridge). Total Cost - \$12,181.60 (plus idle fund interest - \$128.70, plus temporary note interest - \$289.70). Financing to be issued at this time - \$12,600.00. (744097/468-83922/480-785).
- mm) Constructing Lateral 11, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$9,155.71 (plus idle fund interest - \$244.29, plus temporary note interest - \$0). Financing to be issued at this time - \$9,400.00. (744106/468-83948/480-794).
- nn) Constructing Lateral 50, Main 24, War Industries Sewer to serve The Waterfront Addition (north of 13th Street North, east of Webb). Total Cost - \$34,428.37 (plus idle fund interest - \$342.53, plus temporary note interest - \$629.10). Financing to be issued at this time - \$35,400.00. (744109/468-83949/480-797).
- oo) Constructing Lateral 1, Main 6, Northwest Interceptor Sewer to serve Evergreen and Newmarket Additions (north of 21st Street North, west of Maize). Total Cost - \$103,568.74 (plus idle fund interest - \$930.96, plus temporary note interest - \$1,900.30). Financing to be issued at this time - \$106,400.00. (744110/468-83969/480-798).
- pp) Constructing Lateral 148, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition (east of Jeanette, north of 33rd Street North). Total Cost - \$6,062.61 (plus idle fund interest - \$137.19, plus temporary note interest - \$0). Financing to be issued at this time - \$6,200.00. (744116/468-84008/480-804).
- qq) Constructing Main 14B, Four Mile Creek Sewer to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East). Sanitary Sewer Main Benefit Fee \$12,407.93 (plus idle fund interest - \$0, plus temporary note interest - \$0). Financing to be issued at this time - \$13,200.00. (744134/468-84034/480-822).

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Storm Water Sewer and Storm Water Drain

- rr) Constructing Storm Water Drain No. 156 to serve Sawmill Creek Addition (north of 45th Street North, east of Rock Road). Total Cost - \$240,616.99 (plus idle fund interest - \$530.01, plus temporary note interest - \$5,953.00). Financing to be issued at this time - \$247,100.00 (751391/468-83169/485-282).
- ss) Constructing Storm Water Drain No. 196 to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$229,481.96 (plus idle fund interest - \$557.54, plus temporary note interest - \$5,660.50). Financing to be issued at this time - \$235,700.00. (751378/468-83558/485-269).
- tt) Constructing Storm Water Sewer No. 583 to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$98,466.81 (plus idle fund interest - \$250.23, plus temporary note interest - \$2,382.96). Financing to be issued at this time - \$101,100.00. (751379/468-83561/485-270).
- uu) Constructing Storm Water Sewer No. 586 to serve Power CDC Addition (north of 25th Street North, west of Grove). Total Cost - \$63,228.50 (plus idle fund interest - \$317.42, plus temporary note interest - \$1,554.08). Financing to be issued at this time - \$65,100.00. (751329/468-83573/485-220).
- vv) Constructing Storm Water Drain No. 205 to serve Highland Springs 3rd Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$225,869.63 (plus idle fund interest - \$468.85, plus temporary note interest - \$5,661.52). Financing to be issued at this time - \$232,000.00. (751392/468-83637/485-283).
- ww) Constructing Storm Water Drain No. 223 to serve Auburn Hills 15th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$200,345.71 (plus idle fund interest - \$604.65, plus temporary note interest - \$4,949.64). Financing to be issued at this time - \$205,900.00. (751359/468-83759/485-250).
- xx) Constructing Storm Water Drain No. 235 to serve My House Addition (south of 55th Street South, west of Broadway). Total Cost - \$103,953.89 (plus idle fund interest - \$432.59, plus temporary note interest - \$2,613.52). Financing to be issued at this time - \$107,000.00. (751382/468-83836/485-273).
- yy) Constructing Storm Water Sewer No. 610 to serve Southern Ridge 2nd Addition (south of Pawnee, west of Maize Road). Total Cost - \$383,681.59 (plus idle fund interest - \$1,874.15, plus temporary note interest - \$9,544.26). Financing to be issued at this time - \$395,100.00. (751386/468-83894/485-277).
- zz) Constructing Storm Water Drain No. 240 to serve The Plaza at Cherry Creek Hills Addition (north of Oak Knoll, east of Rock Road). Total Cost - \$40,158.12 (plus idle fund interest - \$214.62, plus temporary note interest - \$1,027.26). Financing to be issued at this time - \$41,400.00. (751383/468-83899/485-274).
- aaa) Constructing Storm Water Drain No. 242 to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb Road). Total Cost - \$45,534.52 (plus idle fund interest - \$206.50, plus temporary note interest - \$1,158.98). Financing to be issued at this time - \$46,900.00. (751384/468-83920/485-275).
- bbb) Constructing Storm Water Drain No. 245 to serve Fox Ridge Addition (north of 29th Street North, east of Maize Road). Total Cost - \$233,472.82 (plus idle fund interest - \$1,232.22, plus temporary note interest - \$5,794.96). Financing to be issued at this time - \$240,500.00. (751385/468-83929/485-276).

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- ccc) Constructing Storm Water Drain No. 248 to serve The Fairmont 3rd Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$223,228.94 (plus idle fund interest - \$755.44, plus temporary note interest - \$5,715.62). Financing to be issued at this time - \$229,700.00. (751388/468-83936/485-279).
- ddd) Constructing Storm Water Sewer No. 612 to serve The Waterfront Addition (north of 13th Street North, east of Webb Road). Total Cost - \$85,253.29 (plus idle fund interest - \$1,106.71, plus temporary note interest - \$1,040.00). Financing to be issued at this time - \$87,400.00. (751395/468-83951/485-286).

Motion--carried Mayans moved to approve and file. Motion carried 7 to 0.

PETITION

PAVE 37TH STREET NORTH FROM MAIZE TO 1,300 FEET WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-1156

On October 4, 2005, the City Council approved a Petition to pave 37th St. North, from Maize to 1,300 feet west of Maize. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve new residential and commercial developments located along 37th St. North, west of Maize.

The existing Petition totals \$81,000. The new Petition totals \$108,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
--carried Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-664

Resolution of findings of advisability and Resolution authorizing constructing asphalt mat paving improvements on 37th Street North from Maize Road to a point 1300 feet west of Maize Road (north of 37th Street North, west of Maize) 472-84044 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees Quarterly, August 11, 2005
Wichita Airport Advisory Board, October 3, 2005
District III Advisory Board, October 5, 2005
Board of Park Commissioners, October 10, 2005
Wichita Employees' Retirement System Board, October 19, 2005
Police and Fire Retirement System Board, October 26, 2005
District III Advisory Board, November 2, 2005
Wichita Public Library Board of Directors, November 15, 2005
Design Council Board, November 17, 2005
District V Advisory Board, October 3, 2005
District IV Advisory Board, October 5, 2005

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District IV Advisory Board, November 2, 2005
District II Advisory Board, November 7, 2005
District V Advisory Board, November 7, 2005
District VI Advisory Board, November 7, 2005
Wichita Airport Advisory Board, November 14, 2005

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CLAIMS REPORT ON CLAIMS ALLOWED FOR NOVEMBER 2005:

Name of Claimant	Amount
Kansas Gas Service	\$1,065.23**
Mexico Café	\$349.18
Vanderford, Martha	\$277.84

** Settled for lesser amount than claimed.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

CONT./AGRMNTS CONTRACTS AND AGREEMENTS FOR NOVEMBER 2005.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

LEGACY PARK RESPREAD ASSESSMENTS, LEGACY PARK WILSON ESTATES SECOND ADDITION, SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD. (DISTRICT II)

Agenda Report 05-1158

The landowners, Norris E-Enterprises, L.L.C. (Lot 7, Block 1, Legacy Park Wilson Estates 2nd Addition) and Retail Partners, L.L.C. (The east 212 feet of Lot 8, Block 1, Legacy Park Wilson Estates 2nd Addition) have submitted an Agreement to respread special assessments within these Parcels.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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COLLAT. AGRMNT COLLATERAL AGREEMENT WITH LEGACY BANK.

Agenda Report No. 05-1159

State statutes require financial institutions that receive City deposits in excess of the Federal Deposit Insurance Corporation (FDIC) insurance limit to collateralize the deposit. Sound management practice dictates the collateral be placed in a third party financial institution where the depository cannot gain control of the securities. The City's investment policy requires a collateral agreement to be put in place to govern the handling of the securities and define the terms and conditions for replacing and changing title to the securities.

Legacy Bank currently holds City of Wichita pooled funds in the form of certificate of deposits. The City investment policy requires a three party collateral agreement for collateral held in any institution other than the Federal Reserve Bank. Legacy Bank is using Bankers Bank of Kansas as a Depository. This agreement defines the terms between the City of Wichita, Legacy Bank and Bankers Bank of Kansas.

Time and demand deposits with local financial institutions are a viable investment for City idle funds. All financial institutions are required to offer rates of return competitive with other investments of similar maturities.

The Law Department has reviewed the collateral agreement and approved as to form.

Motion--
--carried

Mayans moved that the collateral agreement be approved and the Mayor authorized to sign.
Motion carried 7 to 0.

GRETEMAN GRP. CONTRACT WITH GRETEMAN GROUP FOR SERVICES IN CREATING THE 21ST STREET INTERNATIONAL MARKETPLACE DISTRICT. (DISTRICT VI)

Agenda Report No. 05-1160

On November 1, 2005, the City Council approved the selection of the Greteman Group to provide historic inventory, community outreach, marketing and architectural 'place-making' services necessary to create the International Marketplace District centered at 21st Street North and Market Street, and authorized staff to negotiate a not-to-exceed contract of \$300,000 to perform the work. The consultant will be using an extensive and creative community outreach process including bilingual translation services, to build consensus and stakeholder buy-in.

A contract for professional services has been negotiated with the Greteman Group in the amount of \$295,000 to perform all historic inventory, marketing, architectural design and community outreach services required to successfully create the International Marketplace District.

Funding for this project has been identified in the recently approved 2005-2014 Capital Improvement Program. Council has already approved a home rule-bonding ordinance for this project.

The contract has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the contract with the Greteman Group be approved and the necessary signatures authorized. Motion carried 7 to 0.

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FAIRMOUNT 3RD

CONSTRUCTION ENGINEERING AND STAKING IN THE FAIRMOUNT THIRD ADDITION, WEST OF 127TH STREET EAST, NORTH OF 21ST STREET. (DISTRICT II)-SUPPLEMENTAL.

Agenda Report No. 05-1161

The City Council approved the paving improvements in The Fairmont 3rd Addition on December 7, 2004. On February 15, 2005 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$8,694 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

IMPROVEMENTS

SANITARY SEWER AND WATER IMPROVEMENTS TO SERVE AN AREA GENERALLY EAST OF ROCK ROAD AND SOUTH OF 53RD STREET NORTH. (DISTRICT II)-SUPPLEMENTAL.

Agenda Report No. 05-1162

The 2002 Capital Improvement Program includes funding for extending water and sewer mains in response to growth and development. On September 5, 2002, the Staff Screening & Selection Committee selected MKEC Engineering Consultants, Inc. (MKEC) for designing sanitary sewer and water improvements to serve an area generally east of Rock Road and south of 53rd Street North. On November 5, 2002, the City entered into an Agreement with MKEC for designing the improvements for a fee of \$32,500.

The design of the water line project along 53rd and Rock Road, was intended to start as per the original contract, however issues developed between the City of Wichita and the City of Bel Aire, which delayed the start of the project design. Several requests were made to the consultant to start the project, only to have to put the design on hold until issues could be resolved between the two Cities. Issues included annexation of lands, easements, alignments, and other items that added to delays and design costs. Redesign was made necessary due to Bel Aire's decision to construct underground facilities in the same area as the City of Wichita water line. For these reasons, the original design budget was not adequate to cover costs to move to final plans. The supplemental agreement is necessary to cover costs associated with the design of the water project.

Payment to MKEC will be on a lump sum basis of \$8,000, and will be paid by Revenue Bonds and Operating Revenues.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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INTRUST BANK

INTRUST BANK'S ELECTRONIC WIRE SERVICE AGREEMENT.

Agenda Report No. 05-1163

On January 21, 2003, the City Council appointed Intrust Bank as its designated depository bank

Intrust Bank has recently expanded its Commercial Electronic Banking Services to include a wire service module. The electronic wire services module will allow staff to initiate and verify wire transfers through the Internet, replacing the current telephone and fax initiated process.

There are no additional costs for this service.

The Department of Law has approved the agreement as to form.

Motion--
--carried

Mayans moved that the Electronic Wire Services Addendum to Intrust Bank's Commercial eBanking Agreement be approved and authorize the Mayor to sign. Motion carried 7 to 0.

EVERGREEN 5TH

EVERGREEN FIFTH ADDITION, SOUTH OF 29TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-1164

The City Council approved the paving improvements in Evergreen 5th Addition on September 21, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of paving in Evergreen 5th Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$29,300 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FALCON FALLS

FALCON FALLS SECOND ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-1165

The City Council approved the water distribution system improvements in Falcon Falls 2nd Addition on August 16, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system in Falcon Falls 2nd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$10,500 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

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Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

KRUG ADD.

KRUG NORTH SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-1166

The City Council approved the water distribution system, sanitary sewer and paving improvements in Krug North 2nd Addition on August 2, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Krug North 2nd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$52,600 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

RIVENDALE ADD.

RIVENDALE ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT II)

The City Council approved the water distribution system, storm water drainage and paving improvements in Rivendale Addition on October 21, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, storm water drainage and paving in Rivendale Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$44,800 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PUMP STATIONS

REHABILITATION OF STORM WATER PUMP STATIONS NO. 2 & NO. 4. (DISTRICTS V & VI)

Agenda Report No. 05-1168

Pump Station No. 2 was constructed in 1977 and includes 4 storm water pumps and 1 sump pump. The drainage area for this station includes retail and commercial areas along West Street, including Towne West Mall. The pumps have been rehabilitated, but the pump station itself must be evaluated to ensure a future 20-year life expectancy of this Station. Many of the mechanical and electrical systems are outdated and must be replaced to be fully compatible with new pumps and new data systems as they are added.

Pump Station No. 4 was constructed in 1984 and includes 2 storm water pumps and 1 sump pump. The drainage area for this station includes development along Zoo Boulevard east of Interstate 235. These pumps have also been rehabilitated and the same considerations will be made for existing equipment as for Pump Station No. 2. Pump Station No. 4 is also in need of a SCADA (Supervisory Control And Data Acquisition) system that can report to our ALERT system and be incorporated into the City's current monitoring system. Both Stations require generators and added security measures against theft and vandals. The proposed Pre-Design phase will be to evaluate needed improvements at each station, estimate costs for each needed improvement and assist City staff in prioritizing and selecting improvements for inclusion in design.

The proposed Design phase will include the development of final plans and specifications. The proposed construction phase will include engineering services for the bidding and construction of this project. Funding was approved by the City Council for this project on November 2, 2004.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. provides for Pre-Design Services, Design Services and Construction Phase Services. The Staff Screening and Selection Committee selected Professional Engineering Consultants for the design on September 23, 2005.

Payment to Professional Engineering Consultants will be on a lump sum basis of \$56,000, and will be paid for by the Storm Water Utility operating budget.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AVALON PARK

STORM WATER DRAIN IN AVALON PARK ADDITION, NORTH OF 37TH STREET NORTH, EAST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-1169

On July 26, 2005, the City Council approved a contract with Pearson Excavation, Inc. for drainage improvements in Avalon Park Addition. A part of the work is the construction of sealed detention ponds. Conditions encountered at the site prove more favorable to the construction of ponds filled by groundwater. Additional excavation is needed to increase the pond depth to prevent algae bloom and maintain a healthy, sustainable pond. In addition, a concrete headwall needs to be constructed to control the pool level of an adjacent, existing pond.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$16,657, with the total paid by special assessments. The original contract amount is \$276,321. This Change Order represents 6.03% of the original contract amount.

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The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROP. ACQUIS.

EASEMENT FOR WATER DISTRIBUTION SYSTEM FOR NEW GODDARD SCHOOL LOCATED NORTH OF KELLOGG, EAST OF 167TH STREET EAST. (DISTRICT V)

Agenda Report No. 05-1170

The City Council adopted a Resolution on March 22, 2004 declaring it necessary to provide water service to a new Goddard school building located north of Kellogg, east of 167th Street East. The pipeline has been designed to additionally serve future development outside the improvement district. Fulfillment of this Resolution requires an easement over two tracts located on the north side of Maple Street, east of 162nd Street.

A negotiated settlement of \$10,000 has been accepted by the property owners in exchange for a 46,652 sq. ft. water line easement over the two tracts.

A budget of \$10,000 is requested. The funding source will be by special assessments and by Water utility funds.

The Law Department has approved the Water Line Easement as to form.

Motion--
--carried

Mayans moved that the budget and the easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

BIZ LOAN PROG.

WICHITA BIZ LOAN PROGRAM SECTION 108 NOTE PAYMENT.

Agenda Report No. 05-1171

The Wichita Biz Loan was established to create a \$3 million loan pool funded by the Section 108 Loan Guarantee Program. This program was initiated with HUD's award of \$1 million in Economic Development Initiative (EDI) funds in November 1998. This award was subject to the City's submission of a \$3 million Section 108 Loan Guarantee application, which was submitted and approved in 1999. The EDI grant provided funds for a loan loss reserve, 3 years of interest payments for each loan and technical assistance. The HUD Section 108 Guarantee Loan Program provided funding for low-interest loans to businesses locating in the Neighborhood Revitalization Area.

The HUD Section 108 Loan Guarantee Loan Program enabled the City to borrow \$3 million, guaranteed by the City's future CDBG allocations, for the Wichita Biz Loan program. The Wichita Biz Loan program was the first of its kind, using an established HUD program. After several delays caused by regulatory complications, the City executed a contract with HUD in 2003. By that time, the Wichita economy collapsed and interest rates fell to record low levels. Commercial bank loans became more attractive and easier to obtain, than the regulation-laden Section 108 loan. However, the first loan was closed in 2004; a total of four loans have been made. The Wichita Biz Loan has provided \$633,156 in loans, leveraging \$1,352,884 in private investment.

Company	Bank Participation		Section 108 Funds
Newmark Communications	INTRUST \$580,000	\$280,000	Funded
Transtecs Corporation	INTRUST \$435,500	\$214,500	Funded
Preferred Personnel	INTRUST \$60,000	\$30,000	Funded
Power CDC Grocery Store	Commercial Federal \$217,344	\$108,656	Funded

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The term of the \$3 million HUD note began in February 2003 and ends in January 2022. The HUD contract requires the City to disburse all of the Section 108 Loan funds prior to September 30, 2006. The Wichita Biz Loan program is structured to provide a one-year moratorium on principal and a three-year moratorium on interest to borrowers. As a result of this element of the structure of the Biz Loan program, any substantial loan made between now and the deadline of September 30, 2006, will not provide enough revenue to meet the City's financial obligations to the HUD note.

Authorizing the full payment of the \$ 3 million HUD note, the City will be relieved from all Section 108 obligations and the City's CDBG program will be not be subject to any future liability. This action will end the Wichita Biz Loan program; no new loans would be possible.

Currently, the HUD Section 108 Guarantee Loan program has a balance of \$2,366,844. The remaining balance from the \$1 million EDI grant is \$882,427. All Federal funds have been drawn and are currently held in City accounts. The amount of funds collected from outstanding loan payments is approximately \$127,500.

Pre-payment of the HUD Section 108 Note would be made using the balance of the HUD Section 108 Guarantee Loan funds, monies collected from loan payments to date and funds from the EDI grant.

Upon prepayment of the HUD Section 108 Note, any remaining balance of the EDI grant and all future funds collected from loan payments will become program income under the City's CDBG program, and available for programming in CDBG-eligible activities.

The City's Section 108 Note is currently in the interim stage at a variable rate. The City has the option to prepay the \$3 million note.

Motion--carried

Mayans moved that the prepayment of the HUD Section 108 Note be approved. Motion carried 7 to 0.

UNSAFET STRUC.

ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES. **(DISTRICT I, II, III, IV & VI)**

Agenda Report No. 05-1172

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on January 13, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the February 2006 bonds sale. The principal and interest will then be spread for 1-year and placed on the 2006 tax roll.

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

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Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the plans laid over.

TRISTATE/HARCOS CONTRACT SERVICES FOR TRISTATE/HARCOS SOILS EXCAVATION. (DISTRICT III)

Agenda Report No. 05-1173

Excavation of impacted soils is required as part of a limited remediation project for certain areas near 724 East Osie and 1647 South Mead. The listed properties are two identified source areas within the Gilbert and Mosley remediation project area. Through source investigation (sampling and analysis) by the City and the Kansas Department of Health and Environment (KDHE), it was determined that elevated levels of solvents were present in the soils in close proximity to these two sites. Areas of excavation will include limited areas of some residential yards. Contract services will be needed to prepare a site work plan, remove contaminated soils, fully restore the areas with appropriate fill material, topsoil, and like plant cover, as well as prepare closure reports for approval by the City of Wichita and the Kansas Department of Health and Environment.

In accordance with Administrative Regulation 1.2, contracting for Professional Services, request for proposals were mailed to qualified firms on November 21, 2005. Three firms responded as follows: Camp, Dresser, & McKee (CDM); Burns and McDonnell, and Integrated Solutions (ISI), Inc. On December 5, 2005, the Staff Screening and Selection Committee, which was comprised of City representatives, convened to review the proposals and to listen to telephone presentations of the three firms that responded. The committee selected the firm of Burns and McDonnell.

The cost of the project is to be funded through the Gilbert and Mosley TIF (Tax Increment Finance District) fund and is not expected to exceed \$250,000 including contingencies. ES staff is expecting the overall cost to be much less.

The Law Department has approved the Contract as to form.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

TEMP. NOTES

GENERAL OBLIGATION TEMPORARY NOTES.

Agenda Report No. 05-1174

The City will offer for sale one series of general obligation temporary notes totaling \$56,370,000 (Series 215) on January 10, 2006. The City also needs to issue a note for Series 216 in the amount of \$5,928,000.

The proceeds of the Series 216 Temporary Notes will be used to provide interim financing for a City-at-large project.

The City will purchase the investment at a rate of 3.75%. The Series 216 Temporary Notes will be dated February 9, 2006 and will mature March 9, 2006. The Note will be retired using cash from the Debt Service Fund.

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The Law Department has approved the authorizing resolution and Ordinance, which have been prepared by Bond Counsel.

Motion--
--carried

Mayans moved that the Note Resolution be adopted and the Ordinance be placed on first reading.
Motion carried 7 to 0.

RESOLUTION NO. 05-665

A Resolution authorizing and providing for the issuance of General Obligation Improvement Temporary Notes, Series 216, of the City of Wichita, Kansas, in the total principal amount of \$5,928,000, for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest of the notes; and making certain other covenants and agreements with respect thereto, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

An ordinance authorizing and providing for the issuance of General Obligation Improvement Temporary Notes, Series 216, of the City of Wichita, Kansas, in the total principal amount of \$5,928,000 for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the City; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto, introduced and under the plans laid over.

SANITARY SEWER NORTH AREA SANITARY SEWER. (DISTRICT V)

Agenda Report No. 05-1175

On September 14, 2004, the City Council approved a petition in the amount of \$2,750,000 to provide main sanitary sewer service to three properties being developed in an area along North Meridian, roughly between 51st Street North and 61st Street North. The project was to provide sewer service to the plats being developed and would also provide access to main sewer for a portion of the basin that utilizes septic systems.

The Department of Environmental Health identified several properties where the septic systems were ailing, and anticipated that lateral service could be extended into parts of the area from the proposed main sewer. The petition, however, only included a portion of the already developed area that could be served.

Development of the area west of Meridian, from 53rd Street North to 61st Street North, is anticipated to continue, and septic systems in the developed portions of the basin will continue to fail. Based on this reality, the Water & Sewer Department, including the design consultant, determined that a regional approach would be required to efficiently provide service to the drainage basin. The regional approach will result in reduced long-term costs for providing sewer service to the area citizens, and reduced operating costs for the Sewer Utility.

The regional project to serve the drainage basin will include the construction of a regional pump station and the extension of approximately 9,000 feet of main sewers. By comparison, the original project would have required two small lift stations, several thousand feet of force main and gravity sewer to serve approximately 300 acres at a cost of \$2,750,000 or roughly \$9,200 per acre. The regional approach will serve 2,600 acres at an estimated cost of \$9,100,000 or roughly \$3,500 per acre.

As capacity allows, the regional pump station will utilize existing force mains to carry current and future basin flows to an existing interceptor sewer in Arkansas Avenue. In the future, the regional pump station will be used to pump flows from the basin to the proposed future treatment facility near

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Hoover and 53rd Street. By constructing the regional pump station now, future costs will be reduced for the proposed treatment facility project.

Construction of the sanitary sewer system is estimated to cost \$9,100,000 with \$3,031,935 currently allocated. To avoid increasing the total CIP budget, Staff recommends transferring the following amounts to the North Area Sanitary Sewer project:

S-5 remaining 2005 funds	\$ 495,000
War Industries Sewer, Phases 1-3 remaining funds	1,475,831

Staff recommends the following modifications in the 2006 CIP budget:

Transfer from Sewer Rehabilitation and Relocation	2,097,234
Transfer from Sewer Mains for Future Development	2,000,000

Currently allocated	3,031,935
	\$9,100,000

Transferring these amounts will limit the amount of sewer rehabilitation that can be done in 2006, and construction of other mains for future development.

The Law Department has approved the Resolutions as to form.

Motion--
---carried

Mayans moved that the expenditures be approved; the CIP amended; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-666

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$9.1 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SANITARY SEWERS RECONSTRUCTION AND/OR REHABILITATION OF SANITARY SEWERS.

Agenda Report No. 05-1176

The Sewer Maintenance Division of the Water & Sewer Department maintains the sanitary sewer system. Preventive maintenance includes the use of closed circuit cameras in evaluating the old sewer lines. Sewer lines that are in the poorest condition are scheduled for reconstruction or rehabilitation. The reconstruction and rehabilitation of sanitary sewers helps to eliminate stoppages, backups, failures, and reduces inflow and infiltration into the system. Maintenance costs are reduced, as well as inconvenience to customers.

Capital Improvement Program, Reconstruction and/or Rehabilitation of Sanitary Sewers (CIP S-4) has a budget of \$4.4 million for 2006 which will be funded from future revenue bonds and/or Sewer Utility cash reserves. In a separate agenda item, Staff recommends using \$2,097,234 of the \$4.4 million as part of the funding for the North Area Sanitary Sewer project. The revised 2006 budget for CIP S-4 would be \$2,302,766.

The Resolution has been approved as to form by the Law Department.

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Motion--
--carried

Mayans moved that the project expenditures for 2006 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-667

Notice of intention to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City of Wichita, Kansas, and to issue revenue bonds, in a total principal amount which shall not exceed \$2,302,766, for the purpose of paying certain costs thereof

1755 N. GROVE

SURPLUS OF PROPERTY LOCATED AT 1755 NORTH GROVE. (DISTRICT I)

Agenda Report No. 05-1177

The property under consideration is located on the Southwest corner of North Grove and 17th Street. It is legally described as Lots 1-3 and Lot 5, Grove Street Logan Addition. This Fire Department property was built in 1949 and added onto in 1983 as the location of Old Fire Station #10. Most recently, the Fire Department has vacated the property and the under ground tanks have been removed. This two-story building is 4,410 square feet, brick construction and sits on an 9,583 square foot site. The Zoning is Limited Commercial.

All City departments and local government entities have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion--
--carried

Mayans moved that the property as surplus be declared and designate it as available for sale to the general public. Motion carried 7 to 0.

36" WATER MAIN

36-INCH WATER MAIN IN DOUGLAS FROM HOOVER TO MAPLE. (DISTRICT V)

Agenda Report No. 05-1178

The 1999 Water Master Plan identified potential water pressure problems in portions of the west Wichita water distribution system and growth areas in west Sedgwick County, as identified by the Metropolitan Area Planning Department.

The City Council approved a Water Master Plan Update on April 8, 2003. In the process of updating the water distribution water model and analyzing the water distribution system, including the latest growth predictions by MAPD, the Master Plan recommended a 36-inch water main to be located in Douglas from Hoover to Maple.

Due to a Public Works project to reconstruct the Douglas Avenue and West Street intersection in 2007, the 36-inch water main must be constructed through this area prior to April of 2007. It is necessary to transfer this project to the current CIP year and to begin design and construction immediately.

Construction of a 36-inch Water Line in Douglas from Hoover to Maple (CIP W-1192) is included in the current CIP for expenditures in 2007. The budget for the project is \$1.1 million and will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

The Law Department has approved the Resolution as to form.

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Motion--
--carried

Mayans moved that the expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-668

A resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue Revenue Bonds in a total principal amount which shall not exceed \$1.1 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ENGRAVING CO.

PURCHASE OPTION, PRESTIGE ENGRAVING COMPANY, INC. (DISTRICT IV)

Agenda Report No. 05-1179

On August 31, 1976, the City Council approved the issuance of \$650,000 in Industrial Revenue Bonds, Series LX, 1976, for the purchase of land, construction of a manufacturing plant, and purchase of operating equipment located at the northeast corner of May and West Street.

Under the provisions of Sections 17.1 of the Lease Agreement for the bond series the Tenant, Avery Graphic Systems, Inc., as successor by merger to, Prestige Engraving Company, Inc., has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita on December 1, 2005, received notice from the Company of a request to call outstanding bonds and of the company's intention to exercise its purchase option. In connection with the exercise of the purchase option, the company has asked that the City waive the 45-day notice period so that it can close on the purchase by December 22, 2005.

Under the terms of the Lease, the City is required to convey the personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by Special Warrant Deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and the Termination and Release of Lease Agreement (each in substantially the form attached to the Resolution).

Motion--
--carried

Mayans moved that the bond call be ratified; the Resolution adopted; the notice period for reconveyance waived; the Special Warranty Deed and the Termination and Release of Lease Agreement approved and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-669

A resolution of the City of Wichita, Kansas approving the sale of a certain project financed with the proceeds of industrial revenue bonds of the City; authorizing the execution and delivery of (1) A Special Warranty Deed, (2) A Bill of Sale, and (3) A Termination and Release of Lease, and approving the form of (4) A Satisfaction, Discharge and Release of Guaranty, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

INVEST. POLICY

REVISIONS TO THE CITY'S INVESTMENT POLICY.

Agenda Report No. 05-1180

State law, City ordinance and the City's Investment Policy govern the investment of City funds. The existing Investment Policy was approved by the City Council in December 2001. The State Pooled Money Investment Board granted expanded investment authority to the City in 1995. Expanded investment authority allows the City to purchase Federal Agency Securities and extend investment maturities up to four years.

The volume of the Pooled Fund investment transactions exceeds \$3 billion annually on an average portfolio of \$312 million.

The investment program of the City involves daily decisions on the investment of public funds to earn a rate of return until those funds are required for the appropriate purpose. As set out in the City's Investment Policy adopted by the City Council, the investment of City funds is conducted under the priority order guidelines of:

1. Safety of Principal;
2. Liquidity to meet cash flow requirements; and
3. Rate of return to provide the highest earnings consistent with the higher priorities of safety and liquidity.

The following revisions are recommended for the City's Investment Policy:

1. Add clarification under the Objectives section that all moneys earned and collected from investments shall be credited or charged to the appropriate fund as determined by the cash position of each fund and in accordance with the budget as adopted by the City Council or otherwise directed by law.
2. Add clarification under Portfolio Management that following the primary objective of preservation of capital, the investment portfolio shall be actively managed to take advantage of market opportunities allowing securities to be sold prior to their maturity as needed for cash flow; to enhance returns; to restructure the portfolio to increase yield; or decrease risk.
3. Limit the amount of collateralized public deposits for any single institution to 4% of the Pooled Funds Portfolio. (The maximum dollar for all CD's is limited to 10% of the total Pooled Funds Portfolio)
4. Allow Letters of Credit as acceptable collateral for deposits.
5. Limit Surety Bonds to \$5 million per depository bank or an aggregate of \$20 million in total.
6. Require a collateral level of 105% for letters of credit and surety bonds.
7. Require security broker/dealers have a minimum capital requirement of \$10 million and five years of operation.

The changes are intended to reduce the City's risk and clarify policies. No material changes in investment policies and procedures have been made in the updated documents. The policy changes were approved by the Pooled Investment Committee on October 17, 2005.

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Investment income is a revenue source to many funds in the City budget. Total annual interest earnings for 2005 for all funds in the investment pool are approximately \$8 million dollars. The proposed changes should not reduce investment earnings.

All City investment policies and practices are in conformance with State law and City ordinance governing investment transactions and reporting.

Motion--
--carried

Mayans moved that the revised City of Wichita Pooled Investment Policy be approved and filed.
Motion carried 7 to 0.

IRB SUBLEASE

AUTHORIZATION OF IRB SUBLEASE, MTG, LLC. (DISTRICT V)

Agenda Report No. 05-1181

On August 17, 1999, City Council approved the issuance of \$3.8 million of Industrial Revenue Bonds and a 100% 10-year tax abatement on the bond-financed property, for the benefit of Ritchie Companies (the "SubTenant") located at 2872 N. Ridge Road in northwest Wichita. The proceeds of the bonds were used to construct a new national corporate headquarters for the Ritchie Companies which consist of 33,000 square feet of new construction attached by a breezeway to 12,000 square feet of pre-existing office space. As a result of the sale of certain subsidiaries of the Subtenant, the amount of space required by the Subtenant for its operations in the 45,260 s.f. facility has been reduced.

On November 18, 2003, City Council approved for the sub-sublease of a small portion of the facility to United Bio Energy Partners, L.L.C. As a result of the recent sale of other Ritchie subsidiaries, the Subtenant now desires to sub-sublease 16,521 s.f. of the pre-existing facility to the purchaser, LaFarge North American, ("LaFarge"). Accordingly, MTG, L.L.C. (the "Tenant") is requesting City Council to consent to the sub-sublease to LaFarge pursuant to the terms of a Sublease Agreement.

The land and buildings financed by the bonds is currently leased by a real estate holding company controlled by the Ritchie family, M.T.G., LLC, and subleased to the Ritchie Companies for use as its corporate headquarters. The sub-sublease and the rights of LaFarge shall be subordinate to the provisions of the Lease and Sublease.

There is no financial impact to the City as a result of the requested change.

The City Attorney's Office has reviewed and approved the Resolution and amended documents as to form.

Motion--
--carried

Mayans moved that the Resolution consenting to the sub-sublease of a portion of the facility securing the City's Industrial Revenue Bonds, Series VIII 1999, (MTG, L.L.C.) to LaFarge North American be approved. Motion carried 7 to 0.

RESOLUTION NO. 05-670

A Resolution of the governing body of the City of Wichita, Kansas consenting to the sublease of a portion of the facility pledged as security for the City's Taxable Industrial Revenue Bonds, Series VIII, 1999 (MTG, L.L.C.) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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CALVARY TOWERS EXTENSION OF LETTER OF INTENT FOR TAX-EXEMPT INDUSTRIAL REVENUE BONDS, CALVARY TOWERS APARTMENTS. (DISTRICT I)

Agenda Report No. 05-1182

On September 14, 2005, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000 to Mennonite Housing Rehabilitation Services, Inc. ("MHRS") for the benefit of Calvary Towers Apartments. The proceeds of the proposed bonds will be used to finance a portion of the costs of acquiring, constructing and equipping a senior residence facility located at 2600 North Grove in northeast Wichita. MHRS also plans to utilize Low Income Housing Tax Credits as a component of the financing package. On March 8, 2005, City Council approved an extension of the Letter of Intent to December 31, 2005, to issue Industrial Revenue Bonds to MHRS, Inc. The company is now requesting an extension of an additional one-year of the Letter of Intent until December 31, 2006.

MHRS has requested the extension because it does not appear that the financing structure associated with the project will be finalized prior to the date the Letter of Intent expires. MHRS is now requesting an extension of the Letter of Intent until December 31, 2006.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of bonds will be prepared by bond counsel. The City Attorney's office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion--

Mayans moved that the extension of the Letter of Intent to MHRS for Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000 for a period ending December 31, 2006 be approved. Motion carried 7 to 0.

--carried

TORT BUDGET TORT BUDGET TRANSFER.

Agenda Report No. 05-1183

The Law Department utilizes budgeted funds in the Tort sub-fund of the Self Insurance Fund to defend claims against the city, as well as to pay legitimate claims.

This year, the Law Department has experienced additional, unbudgeted costs in preparing for litigation in an incident involving a Police shooting. This complicated case has increased the need for expert witnesses and depositions to adequately represent City interests. In addition, the amount of claims paid has been slightly over the budgeted amount.

The Self Insurance Fund has budget authority for legal services, and legal experts. The atypical circumstances in 2005 have exhausted this budget. Under expenditures in other areas of the Self Insurance Fund are available to fund the additional contracted legal expenditures. A transfer of up to \$60,000 will fund the anticipated increased legal services and claims costs.

City Council approval is necessary for budget transfers over \$25,000.

Motion--carried

Mayans moved that the transfer of funds be approved. Motion carried 7 to 0.

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BUDGET ADJUST.

BUDGET ADJUSTMENT-CITY MATCHING FUNDS.

Agenda Report No. 05-1184

The Transit Fund is experiencing failure in one area of the budget. The failure is being caused by: 1) three unanticipated tort settlement payments totaling \$317,500 that were approved and authorized by City Council on 5-24-05 and 6-7-05; 2) a higher than anticipated requirement for grant fund matching (\$101,088); and 3) the required for use of contingency funds to address significant fuel price increases (\$66,430).

As a result of these issues, there is a need to reallocate up to \$150,000 within the Transit Budget to help cover the year-end shortfall.

The area of the Transit Fund budget in question totals \$861,850, and is expected to exceed \$1 million. There are under-expended funds within the Transit Fund contractals budget and within personal services (salary savings) that can be reallocated to alleviate these budget failures. No other pending settlements are known or anticipated to be funded from the Transit budget at this time.

The requested adjustment would reallocate up to \$150,000 within the Transit budget and will not alter the bottom line. Funds are available from Transit salary savings and under-expended contractual line items that can be transferred for us.

Budget adjustments over \$25,000 require City Council approval.

Motion--carried

Mayans moved that the budget adjustment be approved. Motion carried 7 to 0.

(ITEM 32) EXPO HALL

EXPO HALL OPERATING BUDGET ADJUSTMENT.

Agenda Report No. 05-1185

On December 18, 2001, the City Council approved a management agreement for direct management of the hotel by the Hyatt Corporation for a twenty-five year period for a lower net cost to the City. Management Fees for the services included a base management fee equal to 3% of gross revenues, with a provision for an incentive fee of 15% of profits above a "threshold" calculated where the City secures a return on its investment in the hotel and the garage.

The management responsibilities include, the hotel, conferencing center setup and disassembly and parking garage. Annual revenues from the hotel compensate the operating costs of the hotel, including management fees and reserve contributions, and provide a return to the City to offset the annual cost for refinancing of the former mortgage loan on the facility.

The 2005 Revised Park Department's operating budget for the operation of Century II Performing Arts and Convention Center, included charges for the Hyatt Management contract, however the room rentals increase significantly this year, depleting the budgeted amount. The contractual payment due to the Hyatt, \$30,725.21 for October, \$23,020.22 for November and an estimate of \$31,000 for December, will require a budget adjustment from the Century II Operating Budget to the Expo Hall Operating budget in the amount of \$85,000. Total estimated expenditures to complete this year's contractual agreement is \$277,000 and the estimated revenues received from the Hyatt this year will be approximately \$503,000, resulting in a net profit of \$226,000.

The 2005 Century II Operating budget has energy savings this year in the amount of \$33,000 and due to the show setting this year, the stagehand and additional electricians require for the trade shows provided a savings in temporary help in the amount of \$7,000. Additionally, the maintenance agreement for 2005 was reduced by \$35,000 due to implementation in the third quarter. The necessary funding to cover the outstanding payments to the Hyatt will be within the approved 2005 budget from the general fund, requiring no additional funds.

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Budget transfers in excess of \$25,000 require the City Council approval.

Council Member Skelton Council Member Skelton requested clarification on this item.

Doug Kupper Director of Parks and Recreation reviewed the item.

Motion--carried Skelton moved that the transfer of funds in the operating budget be approved. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 13, 2005)

- a) Issuance of Industrial Revenue Bonds, The Coleman Company, Inc. (District I)

ORDINANCE NO. 46-863

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2005 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$10,500,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of an Eleventh Supplemental Trust Indenture by and between the City and the Bank of New York trust Company, N.A., as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of an Eleventh Supplemental Lease Agreement by and between the City and the Coleman Company, Inc.; approving the form of a Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City and the Coleman Company, Inc., as purchaser of the Bonds; and authorizing execution of a bill of sale, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) Issuance of Industrial Revenue Bonds, Bombardier Learjet. (Districts IV and V)

ORDINANCE NO. 46-832

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the original aggregate principal amount not to exceed \$3,200,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Ninth Supplemental Trust indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri (Successor Trustee to Intrust Bank, N.A., Wichita, Kansas) (the "Trustee"), as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a Ninth Supplemental Lease by and between Learjet Inc. and the City; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- c) Issuance of Industrial Revenue Bonds, Cessna Aircraft Company. (Districts III and IV)

ORDINANCE NO. 46-833

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VII, 2005 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$69,500,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a Fifteenth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as Trustee with respect to the Series VII, 2005 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of a fifteenth supplemental lease by and between the city and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the bonds; and, authorizing execution of a Bill of Sale, termination and release of fourth supplemental lease and cancellation, discharge and release of Fourth Supplemental Trust Indenture.

- d) Issuance of Revenue Bonds, InfoNXX, Inc. (District II)

ORDINANCE NO. 46-834

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of not to exceed \$6,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series X, 2005 (InfoNXX) for the purpose of providing funds to acquire and install equipment and furniture at a customer service center facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and U.S. Bank National Association, Milwaukee, Wisconsin, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and InfoNXX Operating Company, Inc.; approving the form of a Guaranty Agreement; and, authorizing the execution of a Bond Placement Agreement by and among the City, InfoNXX Operating Company, Inc., and InfoNXX Capital Management, Inc. as purchaser of the Bonds, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) Reauthorization of Boards and Commissions subject to Sunset Provision.

ORDINANCE NO. 46-835

An Ordinance of the City of Wichita pertaining to the continuing of existence and abolition of boards, agencies and commissions; amending Sections 2.12.1200 and 2.12.1201 of the Code of the City of Wichita; and repealing the original of said Sections, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- f) Home Rule Bonding Ordinance for Dunbar Theater Feasibility Study. (District I)

ORDINANCE NO. 46-836

An ordinance of the City of Wichita, Kansas authorizing the issuance of its General Obligation Bonds to pay the costs of preparation of a feasibility analysis and reuse implementation plan for the Dunbar Theater Building, and further authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose, , read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- g) 2005 Arterial Street, Bridge, Bike Path and Waterline Replacement Design Contracts.

ORDINANCE NO. 46-838

1. An ordinance declaring 13th Street, between I-135 Freeway and Woodlawn (472-84320) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. 1 Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-839

2. An ordinance declaring the Intersection of 21st Street and Broadway (472-84295) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. 1 Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-840

3. An ordinance declaring 47th Street South, between Meridian and Seneca (472-84296) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-841

4. An ordinance declaring 55th Street South and Broadway (472-84305) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-842

5. An ordinance declaring 119th Street West, between Kellogg and Maple (472-83406) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-843

6. An ordinance declaring 135th Street West, between Maple and Central (472-84308) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 46-844

7. An ordinance declaring 151st Street West, between Kellogg and Maple (472-84318) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-845

8. An ordinance declaring the Intersection of Central and Tyler (472-84311) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-846

9. An ordinance declaring Greenwich, between Harry and Kellogg (472-84301) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-847

10. An ordinance declaring Hydraulic, between Harry and Kellogg (472-84310) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-848

11. An ordinance declaring Lincoln, between Hillside and Oliver (472-84307) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-849

12. An ordinance declaring Meridian, between 47th Street South and 31st Street South (472-84302) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 46-850

13. An ordinance declaring Meridian, between Pawnee and Orient (472-84309) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-851

14. An ordinance declaring Mt. Vernon, between Broadway and the Arkansas River (472-84289) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-852

15. An ordinance declaring Pawnee, between K-15 Highway and Hillside (472-84303) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-853

16. An ordinance declaring Woodlawn, between Lincoln and Kellogg (472-84304) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-854

17. An ordinance declaring the 13th Street Bridge at the Little Arkansas River (472-84314) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-855

18. An ordinance declaring 21st Street between Broadway and I-135 HWY (472-84312) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 46-856

19. An ordinance declaring the 21st Street Bridge at the Little Arkansas River (472-84315) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-857

20. An ordinance declaring the 25th Street Bridge at the Little Arkansas River (472-84316) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-858

21. An ordinance declaring the Grove Bridge at the Frisco Drainage Ditch (472-84317) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- h) Appropriating the 2006 Budget; ratifying the payment of claims against the 2005 Budget.

ORDINANCE NO. 46-837

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- i) ZON2005-00041 - Generally located north of 21st Street North and west of Sommerset, 1620 West 21st Street North. (District VI)

ORDINANCE NO. 46-859

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.
. (ZON 2005-00041)

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- j) ZON2005-22 - Plat of T. & L. Johnson Addition, located north of Kellogg and on the east side of Hillside. (District I)

ORDINANCE NO. 46-861

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2005-22)

- k) (ZON 2003-48) - Plat of The Moorings South Addition, located north of 42nd Street North and Meridian. (District VI)

ORDINANCE NO. 46-862

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2003-48)

UNFINISHED BUSINESS

SALARY ORD.

RESTRUCTURING OF THE SALARY AND CLASSIFICATION ORDINANCES AND AMENDMENTS THERETO. **(CONTINUED DECEMBER 13, 2005)**

Carol Ochs

Director of Human Resources reviewed the item.

Agenda Report No. 05-1134A.

The annual Salary and Classification Ordinances set the rates of pay for City pay ranges and establish job classifications for all City positions.

At its December 13, 2005 meeting, the City Council directed a restructuring of the Salary and Classification Ordinances to better identify the differences among non-exempt, exempt, and management positions, and also identify those positions whose salaries are set by the City Council.

On December 13, Council adopted two ordinances submitted for all positions to approve only a Classification Ordinance (#46-829, amending 46-606) and Salary Ordinance (#46-830, amending 46-606) for Non-exempt represented and non-represented positions. Those ordinances are ready for publication.

On the Agenda today are the remaining three ordinances: (1) Classification Ordinance for Exempt and Management employees (#46-865, repealing #46-606); (2) Classification and Salary Ordinance for City Manager and Municipal Court Judges (46-866); and (3) Salary Ordinance for Exempt and Management employees (#46-867, repealing #46-830).

Classification Ordinance for Exempt and Management employees (#46-865) – This ordinance lists only Exempt and Management positions and their corresponding pay range identification numbers (not pay rates).

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Classification and Salary Ordinance for the City Manager and Municipal Court Judges (#46-866) – This ordinance lists only those positions and their corresponding pay range identification numbers (not salary ranges). It also states that their salaries are determined by the City Council, and includes provisions that apply specifically to the Municipal Court Judges, administrative judge, and the Judges Pro-tem. This ordinance states salary ranges and relevant other provisions only for the City Manager and Municipal Court Judges. The 3% adjustment in the Municipal Court Judges pay range is included, but not in the range for City Manager. A 3% GPA has already been approved by Council for the Judges.

Salary Ordinance for Exempt and Management employees (#46-867) – This ordinance states salary ranges and relevant other provisions only for Exempt and Management positions, excluding the City Manager and Municipal Court Judges. This ordinance incorporates the recommended 3% General Pay Adjustment (GPA) for these positions, and a 3% adjustment in the pay ranges. Further, individual merit increases for these employees will not exceed 2.5%, so the total raise for a Management or Exempt employee cannot exceed 5.5%.

All together, these four new ordinances, plus the two approved on December 13, 2005, accomplish the restructuring of the Classification and Salary Ordinances directed by Council.

The 2006 Adopted Budget already includes funding for the 3% GPA for employees, as well as 2.5% for total merit increases.

The Department of Law has reviewed the ordinances and approved as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Doug Pickard

Mr. Pickard stated that he is representing the Wichita Fire Department, IFF Local 135. Asked the Council to resolve contractual issues with non-exempt personnel before moving forward with the exempt and management employees. Stated that the distance in salary between Fire Captains and Battalion Chiefs in some cases is nearly 19%. Stated that Airport Public Safety Supervisors, which includes Lieutenants and Captains, and that an order to amend the classification for the IFF was to include these individuals. Stated that according to the amendment order and classification, it says in the event any classification is re-titled or any additional classification is included, the Memorandum of Agreement shall be construed to include such re-title or additional classifications. Stated that their interpretation of this is that those long-term employees in Airport Safety should be transferred to the pay matrix and an appropriate place. Stated that all of them are long-term employees. Stated that the section where it addresses clothing allowance for 2006 identifies the amount as \$400.00 but that contractually it is \$450.00. The longevity for 2006 is in fact \$5.00 per year of service per month but the example given says it is \$48.00 per year instead of \$60.00. Stated that they have a contract that they feel has not been honored and would implore the Council to reserve judgment on the exempt employees until the contractual obligations have been met.

Mayor Mayans

Mayor Mayans stated that he is going to vote no on the salary increases for management and others because of the following reasons:

1) At a time when we are being told by management that the City's financial resources are stretched to the limit, we are going to spend over half a million dollars more; 2) at a time when we are being told that compensation should be determined by performance, an across the board increase in salary is contrary to the "pay-for-performance" strategy; 3) at a time when we are being told that we should budget for outcomes or priorities, this too goes contrary to that strategy by allocating funds without analyzing the long term financial implications to the budget, benefits and retirement; 4) this increase is being sold to the Council as a "matter of fairness" by comparing management salaries to those of represented hourly employees, but the facts are that a manager with an average of \$43.00 an hour would receive at 3%, six times the increase of an \$8.00 an hour janitor and if subject to merit increases, eleven times the increase of the same \$8.00 an hour janitor. Stated that this is not about managing for results, but rather managing into disaster. Stated that he plans to vote no and asked for a motion.

Motion--

--carried

Fearey moved to declare an emergency and adopt the amendments to the Salary and Position Classification Ordinances. Motion carried 5 to 2; (Nays-Mayans and Skelton)

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ORDINANCE NO. 46-865

An Ordinance establishing position classifications for exempt and management employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges repealing Ordinance no. 46-606. Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 2; Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Mayans and Skelton)

ORDINANCE NO. 46-866

An Ordinance establishing the mechanism for prescribing pay for the City Manager and Municipal Court Judges of the City of Wichita and repealing ordinance No. 40-995, 45-944, 46-606. Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 2; Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Mayans and Skelton)

ORDINANCE NO. 46-867

An Ordinance providing for a uniform schedule of standard pay ranges for exempt and management employees of the City of Wichita, repealing Ordinance no. 45-944. Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 2; Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Mayans and Skelton)

NEW BUSINESS

JR CUSTOM

PUBLIC HEARING AND TAX EXEMPTION REQUEST, JR CUSTOM METAL PRODUCTS, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 05-1188

On August 10, 1999, City Council approved a tax exemption under the authority of the constitutional amendment for JR Custom Metal Products, a manufacturer of metal fabricated products and equipment, located at 2237 S. West Ct. in southwest Wichita. The tax exemption was requested in conjunction with an expansion project consisting of the construction of office and manufacturing space and the purchase of new machinery and equipment. On October 3, 2000, City Council also approved an 88% five-year tax exemption on acquisition of new manufacturing equipment.

As a result of sustained growth in sales, JR Custom Metal is now requesting the City Council to approve an Economic Development Tax Exemption on additional manufacturing equipment in the amount of \$635,000, in connection with an ongoing expansion of their facility.

JR Custom Metal was established in 1974 and has experienced continued growth since inception of the business. JR Custom Metal designs, manufactures, modifies, and repairs high precision custom metal products. JR Custom Metal's products are designed primarily for the automotive, agricultural, general construction, and aviation industries. JR Custom Metal focuses its manufacturing capacity primarily on custom and specialty metal designs.

JR Custom currently has over 100 employees and expects to add at least 16 new full-time employees over the next five years, at an average wage of \$14 per hour. The new \$635,000 expansion project will be a major investment for the company and is expected to enhance production efficiency and volume.

The expansion project is reflected in Exhibit I attached hereto. Under the City's Economic Development Incentive Policy, JR Custom is eligible for the following:

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TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
32.00%	New Job Creation:	JR Custom will add at least 16 new full-time jobs.
12.50%	Capital Improvements:	JR Custom will invest approximately \$635,000
44.50%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
44.50%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

Under the Economic Development Incentive Policy, JR Custom Metal Products, Inc. is eligible for a 44.5% tax exemption on new personal property for a five-year term. A notice of public hearing has been published. JR Custom will maintain a City of Wichita approved EEO/AA Plan for the full term of the Tax Exemption.

The estimated first year taxes on JR Custom's proposed \$635,000 project under the 2004 mill levy on property within the Wichita City limits would be \$11,998. The tax exemption will be shared among the taxing entities as follows: City - \$3,368; County/State - \$3,202; and USD 259 - \$5,428.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	3.39 to one
Sedgwick County	2.86 to one
USD 259	1.27 to one
State of Kansas	5.44 to one

The City Attorney's Office has approved the Ordinance as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Patricia Kohler

Ms. Kohler stated that she is the President and CEO of JR Custom Metal Products would appreciate the Council's support on this tax abatement and today with this piece of equipment, they are able to run this machine three shifts, 24 hours a day and bring in new opportunities from out of state and also some projects in the local community. Stated that prior to them having this piece of equipment they were outsourcing \$50,000 a month that was going out of state, which is \$600,000 a year that could stay in Wichita. Stated that they continue to be diversified and continue to grow and would appreciate the Council's support.

Motion--

Gray moved that the public hearing, be closed, the Ordinance granting a 44.5% tax exemption on personal property improvements for a five-year term placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of JR Custom Metals Products, Inc., so exempted, introduced and under the plans laid over.

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CARIBBEAN CRUISE EXTENSION OF IRB TAX EXEMPTION, ROYAL CARIBBEAN CRUISES, LTD. **(DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 05-1189

On November 21, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$19,800,000, to Royal Caribbean Cruises Ltd. In conjunction with the bond issue, City Council approved 100% property tax abatement for a five-plus-five-year term on bond-financed property. Bond proceeds were used to finance the construction and equipping of a two-story office facility of 65,000 s.f. located at 4729 S. Palisade in south Wichita. On December 31, 2005, the initial five-year period for tax exemption will expire. Royal Caribbean requests City Council extend the tax exemption to include the second five-years on the 2000 bond-financed property.

Royal Caribbean, based in Miami, Florida, is one of the largest cruise lines in the world. Millions of passengers sail on Royal Caribbean's eleven luxuries cruise ships each year. The establishment of the Wichita reservation center is the largest Royal Caribbean installation not located in Miami. Serving initially as the back up to Royal Caribbean's Miami reservation center, the Wichita facility has become the company's principal reservation center.

As a condition of the bond issue and tax exemption, Royal Caribbean Cruises committed to: 1) build a 65,000 s.f. facility located at 4729 S. Palisade in south Wichita at a cost of \$9,825,000; and, 2) create 390 new jobs within five years of the bond issue. A measure of Royal Caribbean Cruises' initial five-year project commitments and outcomes are as follows:

2000 Commitment	December 31, 2005 Status
Construct a new 65,000 s.f. facility:	Completed new facility costing \$9,825,000
Create 390 new jobs in five years:	Created 424 new jobs

Staff conducted a site-monitoring visit on September 4, 2003. Royal Caribbean Cruises has exceeded its projection by creating 424 new permanent jobs.

Royal Caribbean Cruises is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	1.83 to one
Sedgwick County 1.	17 to one
USD 259	1.00 to one
State of Kansas	3.17 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Gray moved that the tax exemption on Royal Caribbean's IRB-financed property for a second five-year term be extended. Motion carried 7 to 0.

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BIG DOG

EXTENSION OF IRB TAX EXEMPTION, BIG DOG MOTORCYCLES, L.L.C. (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 05-1190

On December 12, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$2,000,000, to Big Dog Motorcycles, L.L.C. In conjunction with the bond issue, City Council approved 100% property tax abatement for a five-plus-five-year term on bond-financed property. Bond proceeds were used to acquire, refurbish and equip the former Quality Chevrolet building at 1520 East Douglas in central Wichita. On December 31, 2005, the initial five-year period for tax exemption will expire. Big Dog Motorcycles, L.L.C. requests City Council extend the tax exemption to include the second five-years on the 2000 bond-financed property.

Big Dog Motorcycles originated as a small shop performing custom work on Harley Davidson motorcycles. Following a move to its previous location at 140 N. Ohio, Big Dog Motorcycles developed its own product designs and became a licensed manufacturer of high-end, deluxe cruiser motorcycles. The business has expanded and currently has 50 dealers around the country. Big Dog Motorcycles has grown from one part-time employee to a national headquarters. In 1999, over 850 high-end motorcycles were manufactured in eight different models. The majority of the Big Dog sales are exports outside Kansas. As a result of rapidly increasing sales and strong sales projections, Big Dog Motorcycles acquired and equipped a new corporate headquarters/manufacturing facility in Wichita.

As a condition of the bond issue and tax exemption, Big Dog Motorcycles committed to: 1) acquire, refurbish and equip the former Quality Chevrolet building at a cost of \$2,000,000; and, 2) create 35 new jobs within five years of the bond issue. A measure of Big Dog Motorcycles' initial five-year project commitments and outcomes are as follows:

2000 Commitment	December 31, 2005 Status
Refurbish existing building:	Completed refurbish of building worth \$1,124,000
Create 35 new jobs in five years:	Created 221 new jobs

Staff conducted a site-monitoring visit on June 12, 2003. Big Dog Motorcycles has met its projection of creating 221 new permanent jobs.

Big Dog Motorcycles is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	2.67 to one
Sedgwick County	1.52 to one
USD 259	1.00 to one
State of Kansas	5.42 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Mayor Mayans

Mayor Mayans stated that there have been questions regarding this company moving to the east side or to California.

Allen Bell

Economic Development Administrator stated that he understands that they have that option and have made some real estate acquisitions to make that possible, but not have made a decision yet as to when and whether to do that.

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- Doug (inaudible) General Counsel for Big Dog Motorcycles stated that yes it is true that Mr. Coleman has purchased some land on the northeast side of Wichita that is available in the future if Big Dog Motorcycle expansion continues to go as it has. Stated that in the past year they leased two other properties in town, adding about 50,000 square feet that are not located on their main campus and now they have four facilities in the City of Wichita, including the main campus. Stated if this expansion does continue, then there is a possibility of moving and building a new facility.
- Council Member Skelton Council Member Skelton asked if they would be subject to the recall or clawback provisions if they did move to California.
- Allen Bell Economic Development Administrator explained that according to the Standard Industrial Revenue Bond Letter of Intent conditions and number 18 states that if the project is a proposed office headquarters facility, an agreement with the applicant will maintain its headquarters in the City so long as any bonds are outstanding and for the term of any approved property tax abatement. Stated that this is the standard letter of intent conditions that were in place at the time of these bonds were issued.
- Motion-- Brewer moved that the tax exemption on Big Dog Motorcycles' IRB-financed property for a second
--carried five-year term be extended. Motion carried 7 to 0.

VOICE STREAM

EXTENSION OF IRB TAX EXEMPTION, 2525 NORTH WOODLAWN, VOICE STREAM WICHITA, KANSAS, LLC. (DISTRICT I)

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 05-1191

(Council Member Skelton momentarily absent)

On March 21, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$11,500,000, to VS Property, LLC, for the benefit of VoiceStream Wireless Corporation. In conjunction with the bond issue, City Council approved 100% property tax abatement for a five-plus-five-year term on bond-financed property. Bond proceeds were used to build a 70,000 s.f. call center facility located at 8301 E. 21st Street in northeast Wichita.

On October 23, 2001, City Council approved assignment of the Lease from VS Property, LLC to Net Fund I, Ltd. On April 19, 2005, City Council authorized First Amendment to Lease and Assignment of lease to allow a leasehold mortgage on the Project from Net Fund I, Ltd., to an entity named 2525 N. WOODLAWN VSTRM WICHITA KS, LLC. These changes did not change the position of the City with respect to the Lease or the Bonds, and VoiceStream Wireless Corporation (now known as T-Mobile USA Incorporated) remains the subtenant and operator of the call center.

On December 31, 2005, the initial five-year period for tax exemption will expire. 2525 N. WOODLAWN VSTRM WICHITA KS, LLC, requests City Council extend the tax exemption to include the second five-years on the 2000 bond-financed property.

T-Mobile provides digital wireless communication service to over 714,000 subscribers in 23 of the 25 largest United States metropolitan areas. Some of the major markets include Seattle, WA; Portland, OR; Phoenix, AZ; Denver, CO; Austin, TX; Tulsa, OK; and, Wichita, KS. T-Mobile utilizes the Global System for Mobile Communications (GSM) for its service delivery. After a planned merger with Omnipoint and Aerial Communications, T-Mobile will be the fourth largest provider of digital wireless communication in the United States.

As a condition of the bond issue and tax exemption, 2525 N. WOODLAWN VSTRM WICHITA KS, LLC committed to: 1) build a 70,000 s.f. facility located at 8301 E. 21st Street in northeast Wichita at a cost of \$10,090,857; and, 2) create 400 new jobs within five years of the bond issue. A measure of 2525 N. WOODLAWN VSTRM WICHITA KS, LLCs' initial five-year project commitments and outcomes are as follows:

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2000 Commitment	December 31, 2005 Status
Construct a new 70,000 s.f. facility:	Completed new headquarters worth \$10,090,857
Create 400 new jobs in five years:	Created 451 new jobs

Staff conducted a site-monitoring visit on February 26, 2004. 2525 N. WOODLAWN VSTRM WICHITA KS, LLC has met its projection of creating 451 new permanent jobs.

2525 N. WOODLAWN VSTRM WICHITA KS, LLC is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	2.24 to one
Sedgwick County 1	.37 to one
USD 259	1.00 to one
State of Kansas	6.00 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the tax exemption on the IRB-financed property for a second five-year term
--carried be extended. Motion carried 7 to 0.

MCCORMICK **EXTENSION OF IRB TAX EXEMPTION, MCCORMICK-ARMSTRONG CO., INC.** **(DISTRICT I)**

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 05-1192

(Council Member Martz momentarily absent)

On July 27, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$2.3 million to McCormick-Armstrong Co., Inc. In conjunction with the bond issue, City Council approved 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to finance the purchase, rehabilitation, and installation of manufacturing equipment located at their existing facility. On December 31, 2004, the initial five-year period for tax exemption expired. On June 14, 2005, City Council approved of a one-year extension of the property tax exemption and directed Staff to return to Council at the end of the year for consideration of an additional extension.

McCormick-Armstrong is among the largest and oldest commercial print product manufacturers in Kansas. McCormick-Armstrong utilizes state-of-the-art printing technology for the production of advertising, catalogs, short-run publications, calendars, etc. The company used industrial revenue bonds to acquire a new state-of-the-art printing press and associated production equipment used in the process of manufacturing printed products. The new equipment upgrade allowed for the Company's prepress department to implement "direct-to-plate" technologies, which included new proofing and plate setting equipment.

As a condition of the bond issue and tax exemption, McCormick-Armstrong committed to: purchase, and install certain manufacturing equipment, with a total investment of \$2,300,000, and create 50 new jobs within five years of the bond issue.

A measure of McCormick-Armstrong's initial five-year project commitments and outcomes are as follows:

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1999 Commitment

December 31, 2004 Status

Purchase Manufacturing Equipment:
Create 50 new jobs in five years:

Purchased equipment worth over \$2,300,000
Created 17 new job since June 2005

The economy has begun to rebound and the company has started to increase its capacity and is now hiring again. Since last year, McCormick Armstrong has added 17 new jobs and remains committed to add as fast as their business allows.

McCormick-Armstrong is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	1.05 to one
Sedgwick County	1.01 to one
USD 259	1.00 to one
State of Kansas	1.48 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the tax exemption on McCormick-Armstrong's IRB-financed personal property for a one-year period be extended and the further extensions at the end of next year be reviewed.

--carried

Motion carried 7 to 0.

INTEGRA TECH.

APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT FOR INTEGRA TECHNOLOGIES LLC. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 05-1193

Integra Technologies LLC is a product testing business for the silicon chip industry, located in the North Rock Business Park at 3450 N. Rock Road. The company began operations in Wichita in 1983 as part of NCR, and was later purchased by AT&T as part of Bell Labs. In 1996, the business became Lucent Technologies and the testing operation was spun-off in 1998 as Integra Technologies. Amkor Technologies purchased Integra in 2000, as part of their worldwide silicon chip manufacturing business.

In 2005, Amkor decided to close the Wichita operations and move them to Asia. Instead, a group of local managers purchased the company and regained the name of Integra Technologies. Integra retains a small operation in Santa Clara, CA, but their headquarters and main testing and manufacturing facilities are in Wichita, where 73 engineers, scientists and headquarters personnel are currently employed at an average salary of \$43,000 per year.

The company sought economic development assistance to assist in the expansion plans that include Economic Development Coalition (GWEDC) has been working with Integra to ensure that the company stays in Wichita. GWEDC has coordinated the development of an incentives package with City, County and State officials, which are presented herewith for approval of the City's portion.

Integra is one of the most experienced test engineering organizations in the silicon chip industry, with expertise in RF, digital, analog, mixed signal and linear technologies. Their testing operations have been in production serving customers 24 hours a day, seven days a week for over 20 years. Their testing

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capabilities include test software development, wafer probe, final test, burn-in, qualification, lead scanning, dry pack and tape & reel on digital, linear, mixed-signal, memory and RF device types. Integra has development centers that provide complete test engineering services from test program development to full product characterization, and has over 150 active US and international customers.

The State of Kansas, City of Wichita, and Sedgwick County have partnered to offer economic development assistance to the company. A five-year, 100% property tax abatement on new machinery and equipment is being offered through the City of Wichita EDX Program in accordance with the Economic Development Incentive Policy; the State, City and Sedgwick County are each providing \$50,000 forgivable loans. Integra Technology currently has 73 fulltime employees, and as a condition for forgiveness of the loans will increase that employment to a minimum of 108 fulltime positions within the next five years, with average pay at the end of 2006 of nearly \$43,000 (average annual pay over time varies according to the ratio of engineering to production personnel, but minimum annual payroll has been specified through 2011.)

The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	3.00 to one
County	1.92 to one
USD 259	1.27 to one
State	8.45 to one

The proposed City forgivable loan proceeds in the amount of \$50,000 would be paid to Integra Technologies from funds currently budgeted in the Economic Development Fund for economic development incentives.

The Forgivable Loan Agreement has been approved as to form by the Law Department. The exercise of home rule authority requires the adoption of an ordinance for approval.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the proposed forgivable loan economic development incentive agreement for Integra Technologies LLC be approved and the home rule ordinance be placed on first reading.
Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing; prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Integra Technologies, LLC., and the City Of Wichita, Kansas, introduced and under the plans laid over.

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PLANNING AGENDA

Motion--
--carried

Mayans moved to approve the Planning Consent items 43 through 48 as presented. Motion carried 7 to 0.

(Item 42)
CUP2005-00055

CUP2005-00055-DP104 AMENDMENT #2-AMEND OAK CLIFF ESTATES CUP TO AMEND SCREENING WALL REQUIREMENT FOR PARCELS 2 AND 3 IF DEVELOPED WITH RESIDENTIAL USE. GENERALLY LOCATED ON THE NORTHWEST CORNER OF MAIZE ROAD AND MAPLE. (DISTRICT V)

John Schlegel

Director of Planning reviewed the item.

Agenda Report No. 05-1195

MAPC Recommendations: Approve, subject to staff recommendations (9-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Deny (9-1).

The applicant is requesting to amend the screening wall requirements for DP-104 Oak Cliff Estates Community Unit Plan. The property is zoned "LC" Limited Commercial. The amendment would shift the screening wall requirement on the north and west property line of Parcels 2 and 3 to the western property line of Parcels 7 and 8 with Parcel 2. The request is based on the premise that the property will be developed with multi-family use. Specific plans have not been submitted for the proposed multi-family use. Preliminary discussions included possible garden apartments and row house types of structures.

The current use provisions for the parcels are: "Proposed Uses: shopping center, and associated tire, battery and accessory establishment, financial, office, personal services, convenience and service establishments".

The current screening requirements are a solid or semi-solid screening wall consisting of brick, stone, masonry, architectural tile or other similar material with a height between five and eight feet on the north and west property line. Additionally, the construction of the masonry-type screening wall was required to be installed along the northern boundary at the time of development of Parcel 7 (administrative adjustment on June 27, 2003) in order to protect the views of the duplexes to the north. However, during the time when the car wash was being constructed, the discussions began on possible use of the interior site for residential use. It was suggested that shifting the masonry-type wall to the west side of Parcel 7 and Parcel 8 would achieve more effective buffering of commercial activity from residential use.

The agent has sought to eliminate the screening wall requirement by administrative adjustment, but this was deemed to be beyond the scope of administrative authority and was not granted. A letter of credit for the portion of the screening wall north of the car wash was posted when the car wash was developed on Parcel 7. The city has initiated the process of invoking the letter of credit to install the wall, but this action was placed on hold pending the outcome of this amendment.

The "LC" property in the CUP is developed with a convenience store (and associated car wash) at the intersection, plus a stand-alone car wash on Maize Road, and a bank, a gymnastics club, a retail business (floor tiles), and a day care facility on Maple. Vacant land remains on both street frontages. The "GO" tract on Maize Road is developed with an office. The "MF-29" Multi-family Residential tract within the CUP to the north is developed with duplexes. The property to the west of the CUP is zoned "TF-3" Two-family Residential and is developed with duplexes. The north and west property lines are the common boundary where the solid or semi-solid wall of brick, stone, masonry, architectural tile or other similar material was required. The property to the east of Maize Road consists of offices on property zoned "LC", then a convalescent care facility on property zoned "MF-29" and a country club on property zoned "MF-18" and "SF-5" and a small vacant tract zoned "MF-18". The property to the south is zoned "LC" and developed with a convenience store, a funeral home, a

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veterinary clinic, a strip commercial center, and a fire station. A single-family residential neighborhood is located south of this commercial development.

At the District V Advisory Board meeting held November 7, 2005, DAB V voted (9-1) to deny the requested amendment. A number of neighborhood residents were present and spoke in opposition to the requested amendment. Residents stated that the wall should have been installed during previous construction activity. They did not wish to allow the masonry-type screening wall to be replaced with an evergreen screen even if the use of the property being developed between the duplexes and the commercial uses along Maize was multi-family residential use. After discussion, the DAB voted not to alter the existing requirements and to deny the requested amendment.

At the MAPC meeting held November 17, 2005, MAPC voted (9-0) to approve the requested amendment subject to staff recommendations. No citizens or neighborhood residents spoke at the meeting. MAPC recommendations are as follows:

1. If Parcel 2 or Parcel 3, separately, or Parcel 2 and 3, combined, are developed with residential use, a solid evergreen buffer with solid screening effect to be achieved within three growing seasons and minimum height of 5-6 feet at installation may be installed in lieu of standard CUP requirement of a solid or semi-solid wall of brick, stone, masonry, architectural tile or other similar material plus a landscape buffer of one shade tree or equivalent every 40 feet along the north property line of Parcel 2 and Parcel 3 and a the west property line of Parcel 3. The screening shall be installed for the entire length of the entire parcel(s) being developed prior to issuance of a Certificate of Occupancy, and a Landscape Plan shall be approved in compliance with these requirements prior to the issuance of a building permit.
2. If Parcel 2 or Parcel 3, separately, or Parcel 2 and 3, combined, are developed with commercial use, the screening requirement shall be the standard UZC requirement for CUPs per UZC Art. III, Section III-C.2 (d) AND the standard commercial/residential buffer requirements of the Landscape Ordinance.
3. Add the following uses to Parcel 2 and Parcel 3: Multi-family use pursuant to the property development standards of the "MF-29" Multi-family Residential Zoning District.
4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
5. The transfer of title of all or any portion of the land included within the Community nit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
6. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by MAPC, or the Governing Body, if required, or the request shall be considered denied and closed. The revised copies of the CUP shall amend those sections of Parcel Descriptions and General Provision #7 altered by this amendment and shall be revised to include all previously granted adjustments.

Because of the District V Advisory Board recommendation of denial, the request is being appealed to the Governing Body by the Planning Director to review the modification of the screening wall requirements of Article III, Section III-C.2.b (2)(d) of the Unified Zoning Code. Waivers or modifications to Unified Zoning Code screening requirements for community unit plans are permitted per Article III, Section III-C.2.d by the MAPC or Governing Body where the objectives of the Comprehensive Plan and good planning practices are furthered, the specific reasons for such modification are set out, and the modification or waiver meets the criteria and purpose of Article III, Section III-C.

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Council Member Martz Council Member Martz stated that in looking back at the case history, this was originally approved in July of 1980 and a small adjustment made in 1988, which was 17 years ago. Stated that the complaint that the neighbors have had is that most of them purchased their property with the agreement that there would be a screening wall put in at the time of construction. Stated that none of them are objecting to some kind of development but what they want is the wall that was put in with the original CUP and they were emphatic at the DAB meeting and most of them purchased their prosperities with the assumption and the acknowledgment that there would be a wall there and they want a wall and not greenery.

Motion--carried Martz moved to deny the request. Motion carried 7 to 0.

SUB2004-140 **SUB2004-140-PLAT OF WATERWALK PHASE I ADDITION, LOCATED NORTH OF KELLOGG AND WEST OF BROADWAY. (DISTRICT I)**

Agenda Report No. 05-1196

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This unplatted site, consisting of four lots on 6.06 acres, is located within Wichita's city limits. A zone change (PUD 2005-03) from SF-5, Single-family Residential District to PUD, Planned Unit Development has been approved for this site.

Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Motion-- Mayans moved that the plat be approved; the necessary signatures authorized and the Ordinance
--carried placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21., introduced and under the plans laid over. (PUD 2005-03)

SUB2005-25 **SUB2005-25-PLAT OF CASA BELLA ADDITION, LOCATED ON THE NORTH SIDE OF PAWNEE AND WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-1197

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 94 lots on 52.26 acres, is located within Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, water, sewer and drainage improvements. Restrictive Covenants were submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

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The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-675

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90112 (north of Pawnee, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-676

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90113 (north of Pawnee, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-677

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90145 (north of Pawnee, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-678

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 18, Four Mile Creek Sewer (north of Pawnee, west of 127th Street West) 468-84072 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-679

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 276 (north of Pawnee, west of 127th Street East) 468-84073 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-680

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 18, Four Mile Creek Sewer (north of Pawnee, west of 127th Street West) 468-84126 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 05-681

Resolution of findings of advisability and Resolution authorizing constructing pavement on Tara Falls, from the north line of Pawnee to the west line reserve E; Tara Falls Ct., from the west line of Tara Falls to and including the cul-de-sac (Lots 1 through 17, Block 1) Willowgreen/Willowgreen Cir., from the line of Tara Falls to east line of Lot 2, Block 4, Willowgreen Ct., from the south line of Willowgreen to and including the cul-de-sec (Lots 19 through 30, Block 4) and Casa Bella from the Addition (north of Pawnee, west of 127th Street East) 472-84271 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-682

Resolution of findings of advisability and Resolution authorizing constructing pavement on Tara Falls from the north line of the Casa Bella Addition to the southeast line of (lot 20, block 1); Tara Falls Ct., from the west line of Tara Falls to and including the cul-de-sac (lots 28 through 42, block 1); from the northeast line of Michelle Cir. to and including the cul-de-sac (lots 20 through 27, block 1); from the southwest line of Michelle to the north line of the Casa Bella Addition; Willowgreen, from the west line of lot 3, block 4, to and including the cul-de-sac (lots 3, 4 and lots 8 through 16, block 4); and from the southwest line of Willowgreen Ct. to and including the cul-de-sac (lots 4 through 8, block 4). (north of Pawnee, west of 127th Street East) 472-84338 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 05-683

Resolution of findings of advisability and Resolution authorizing constructing a left and right turn lane at the intersection of Pawnee Avenue and Tara Falls (north of Pawnee, west of 127th Street East) 472-84339 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2005-108

SUB2005-108-PLAT OF KDMM SECOND ADDITION, LOCATED ON THE NORTH SIDE OF 53RD STREET NORTH, EAST OF TYLER ROAD. (COUNTY)

Agenda Report No. 05-1198

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of one lot on 2.6 acres, is located in the County within three miles of Wichita's city limits. This site has been approved for a County zone change (ZON 2005-43) from RR, Rural Residential District to NO, Neighborhood Office District.

The City of Maize will be providing future water and sewer services. Since neither sanitary sewer nor municipal water is available to serve this property, County Code Enforcement has approved on-site sewerage and water well facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 7 to 0. Motion carried 7 to 0.

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MINISA BRIDGE

AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT FOR THE MINISA BRIDGE RESTORATION PROJECT PARTIALLY FUNDED BY TRANSPORTATION ENHANCEMENT GRANT. (DISTRICT VI)

Agenda Report No. 05-1199

Transportation Enhancement is a funding category of the federal transportation program (TEA-21) that is administered through the Kansas Department of Transportation. The three categories under enhancement are: 1) historic preservation of transportation structures, 2) scenic and environmental and 3) pedestrian and bicycle facilities. Applications sponsored by the City of Wichita compete for these funds with other statewide projects. Only tax levying entities can sponsor applications.

In November 2004, the City Council passed Resolution 04-608 to submit an application for funding the Minisa Bridge Restoration Project. The reconstruction and repair of the historic Minisa Bridge will include work on the bridge deck, sidewalk, railing and surface.

The City has received official notification of the award of the Transportation Enhancement funding for the Historic Minisa Bridge Restoration project in the amount of \$621,054. The City will provide 30 percent match (\$230,956.00) and KDOT Transportation Enhancement funding the remaining 70 percent (\$434,738.00) through a reimbursement program. The 2005-2014 Capital Improvement Plan for the City of Wichita includes a budgeted item for the repair of the Minisa Bridge.

The City of Wichita City accepts responsibility for coordination of this project and is committed to funding 30% of the total project cost as a local match contribution.

Motion--
--carried

Mayans moved that the Mayor be authorized to sign the Kansas Department of Transportation (KDOT) Historic Minisa Bridge Project Agreement. Motion carried 7 to 0.

BOUNDARY RESOL.

DR2005-36-CITY OF WICHITA BOUNDARY RESOLUTION.

Agenda Report No. 05-1200

The City of Wichita is required by Kansas State law to annually prepare a description of the corporate boundaries. The law requires that the description shall define the boundaries after incorporating all changes made through annexation or exclusions of territory since December 14, 2004.

During the calendar year 2005, the City of Wichita approved a total of sixteen (16) annexations, with one (1) of those being unilateral. This added a total of 958.21 acres (1.497 sq. mi.) to the City, resulting in a Wichita corporate area of 156.524 sq. mi., as of December 31, 2005.

City Engineering staff has prepared a legal description of all territory annexed into the City of Wichita effective December 20, 2005.

K.S.A. 12-517 requires that for any year in which any territory has been added or excluded from any city, the governing body of such city shall declare, by resolution, the entire boundary of the city. The Law Department has reviewed and approved the Resolution as to form.

Motion--
--carried

Mayans moved that the City of Wichita boundary resolution be adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-684

A Resolution declaring, establishing and defining the city limits and boundaries of the City of Wichita, Kansas, after all annexations of territory and exclusions of territory since December 14, 2004, of findings of advisability and Resolution authorizing construction in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

VAC2005-00036

VAC2005-00036-REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, GENERALLY LOCATED EAST OF ROCK ROAD, SOUTH OF PAWNEE AVENUE AND ON THE NORTH SIDE OF OAK KNOLL STREET. (DISTRICT III)

Agenda Report No. 05-1201

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting the vacation of a portion of the platted 10-foot utility easement that runs parallel to the west lot lines of what was Lots 1 & 2 and a portion of the north lot line of Lot 1, all in Block 1, all in The Plaza at Cherry Creek Hills Addition. There are no utilities, manholes or water and sewer lines in the platted easement. Sewer to the lots is provided by a sewer line located in a 20-foot easement, dedicated by separate instrument (Film 2863, Page 1950), located in the eastern portion of the lot. The easement dedicated by separate instrument was a requirement of a Lot Split (June 6, 2005) on The Plaza at Cherry Creek Hills Addition. The Plaza at Cherry Creek Hills Addition was recorded with the Register of Deeds on July 30, 1999.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

HOUSING AGENDA

SECTION 8

SECTION 8 HOUSING CHOICE VOUCHER MAINSTREAM GRANT APPLICATION.

Agenda Report No. 05-1202

On November 2, 2005, the Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for approximately \$10.2 million in budget authority for Section 8 Housing Choice Vouchers for persons with disabilities. This funding will provide approximately 250 housing choice vouchers for elderly and non-elderly disabled families nationwide.

The NOFA specifies that the maximum number of vouchers for which any housing authority may apply, is 20. The Wichita Housing Authority is applying for the maximum of 20. The allocation of the available vouchers will be determined on the basis of the applicant meeting selection criteria among all housing authorities submitting acceptable applications.

The Section 8 waiting list currently has 997 families needing rental assistance and has been closed for new applications for over 3 years. There are currently 367 elderly and non-elderly disabled families on the waiting list.

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Should the Wichita Housing Authority receive the requested 20 vouchers, the value of those additional vouchers will approximate \$81,000 in Housing Assistance Payments annually. The Housing Authority will also earn annual Administrative Fees based on the number of units leased each month.

Motion--

Inafay Grays-McClellan moved that the submission of an application for 20 Mainstream Housing Choice Vouchers under the fiscal year 2005 Funding for Mainstream Housing Opportunities for Persons with Disabilities be approved. Motion carried 8 to 0.

--carried

AIRPORT AGENDA

Motion--carried

Mayans moved to approve the Airport Consent items as presented. Motion carried 7 to 0.

CHANGE ORDER

RUNWAY 14-32 JOINT RESEAL CHANGE ORDER 1, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-1203

On June 7, 2005 the Wichita Airport Authority approved a contract for joint reseal on Taxiway 14-32.

A final change order has been prepared to allow for adjustment of quantities and work that occurred during construction.

The change order of \$29,113.70 is within the operating budget and will be funded with Airport Revenue. Total change orders are approximately twenty-four percent of the original contract amount.

The Law Department has approved the change order.

Motion--

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

SUPP. AGRMNT.

AVIS RENT A CAR SYSTEM-SUPPLEMENTAL AGREEMENT NO. 2.

Agenda Report No. 05-1204

The WAA currently leases 2.62 acres of land on Wichita Mid-Continent Airport to Avis Rent A Car System to accommodate a rental car service center to serve users of the airport. The initial term of the agreement expired November 30, 2004; however, the agreement includes one ten-year option to renew the agreement. Avis is desirous of exercising the option, effective December 1, 2004 through November 30, 2014.

Avis occupies a 1,625 sq.ft. facility located on Wichita Mid-Continent Airport. During the renewal option, in addition to the established land rent, Avis is required to pay fair market facility rent. Staff engaged the services of the Martens Companies to establish the fair market rental value of the facility.

Facility rental was established at \$6.25/sq.ft. for an annual revenue to the WAA of \$10,156. In addition, \$15,695 will be generated during the first year for land rent, for a total annual rent of \$25,851. Facility rent will remain the same throughout the ten-year option; however, land rent will continue to escalate.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--

Mayans moved that the Supplemental Agreement No. 2 be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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CITY COUNCIL

BOARD APPT.

BOARD APPOINTMENTS.

There were no appointments to be made.

RECESS

Motion--

Mayans moved that the City Council recess at 10:55 a.m. into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice; contract negotiations and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 11:25 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

RECONVENE

The Council reconvened in the City Council Chambers at 11:25 a.m.

Motion--carried

Mayans moved to extend the Executive Session until 11:45 a.m. Motion carried 4 to 0, (Fearey, Gray and Martz absent)

RECONVENE

The Council reconvened in the City Council Chambers at 11:46 a.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to close the Executive Session at 11:46 a.m. Motion carried 5 to 0, (Brewer and Skelton absent)

Motion--carried

Mayans moved to close the Regular Meeting at 11:47 a.m. Motion carried 5 to 0, (Brewer and Skelton absent).

Adjournment

The City Council meeting adjourned at 11:47 a.m.

Respectfully submitted,

Karen Sublett
City Clerk